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New York Collection,

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-NINTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY FOURTH AND ENDED MAY THIRD, 1876,
IN THE CITY OF ALBANY.

VOL. I.

ALBANY :
CHARLES VAN BENTHUYSEN & SONS, PUBLISHERS.
1876.

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AUG 2 1929

WASSEL OROHATE

CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE,
OF THE STATE OF NEW YORK,
ALBANY, *July* 15, 1876. }

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12th, 1843, I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOHN BIGELOW,

Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, "three-fifths of all the members elected to either House" thereof, being present, pursuant to Section 21 of Article 3 of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 253.]

And every act which received "the assent of two-thirds of all the members elected to each branch of the Legislature," pursuant to Section 9 of Article 1 of the State Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

LIST OF OFFICERS, 1876.

"§ 4. There shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office at the time of the passage of the Laws contained in such volume."—*Laws of 1847, Chap. 458, Sec. 4.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK, AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	Office.	County.	Residence, nearest P. O.
Samuel J. Tilden	Governor	Albany	Albany.
William Dorsheimer	Lieut.-Governor.	Albany	Albany.
L. Bradford Prince	Senator	Queens	Flushing.
John R. Kennaday	do	Kings	Brooklyn.
John C. Jacobs	do	Kings	Brooklyn.
John Morrissey	do	New York	New York.
James W. Booth	do	New York	New York.
Casper A. Baaden	do	New York	New York.
James W. Gerard	do	New York	New York.
Francis M. Bixby	do	New York	New York.
William H. Robertson	do	Westchester	Katonah.
Daniel B. St. John	do	Orange	Newburgh.
B. Platt Carpenter	do	Dutchess	Poughkeepsie.
Thomas Coleman	do	Rensselaer	Troy.
Hamilton Harris	do	Albany	Albany.
Augustus Schoonmaker, Jr.	do	Ulster	Kingston.
Webster Wagner	do	Montgomery	Palatine Bridge.
Franklin W. Tobey	do	Essex	Port Henry.
Darius A. Moore	do	St. Lawrence	De Kalb.
James F. Starbuck	do	Jefferson	Watertown.
Theodore S. Sayre	do	Oneida	Utica.
David P. Loomis	do	Otsego	Unadilla.
Benjamin Doolittle	do	Oswego	Oswego.
Dennis McCarthy	do	Onondaga	Syracuse.
William C. Lamont	do	Schoharie	Cobleskill.
John H. Selkreg	do	Tompkins	Ithaca.
William B. Woodin	do	Cayuga	Auburn.
Stephen H. Hammond	do	Ontario	Geneva.
George B. Bradley	do	Steuben	Corning.
William N. Emerson	do	Monroe	Rochester.
Dan H. Cole	do	Orleans	Albion.
Abijah J. Wellman	do	Allegany	Friendship.
Sherman S. Rogers	do	Erie	Buffalo.
Commodore P. Vedder	do	Cattaraugus	Ellicottville.
Peter Slingerland	Assemblyman ..	Albany	Clarksville.
Thomas M. Coleman	do ..	Albany	Albany.
William J. Mahar	do ..	Albany	Albany.
Alfred Le Roy	do ..	Albany	Cohoes.

LIST OF OFFICERS.

NAME.	Office.	County.	Residence, nearest P. O.
Sumner Baldwin	Assemblyman ..	Allegany	Wellsville.
Rodney A. Ford	do ..	Broome	Binghamton.
Harrison Cheney	do ..	Cattaraugus.....	Sandusky.
Edgar Shannon	do ..	Cattaraugus.....	Leon.
George I. Post	do ..	Cayuga	Fair Haven.
John S. Brown	do ..	Cayuga	Auburn.
William H. Whitney	do ..	Chautauqua.....	Mayville.
Theodore A. Case	do ..	Chautauqua.....	Ellington.
Edmund Miller	do ..	Chemung	Elmira.
Isaac Plumb	do ..	Chenango	Sherburne.
Shepard P. Bowen	do ..	Clinton	Plattsburgh.
George H. Power	do ..	Columbia	Hudson.
John T. Hogeboom	do ..	Columbia	Ghent.
Judson C. Nelson	do ..	Cortland	Truxton
George D. Wheeler	do ..	Delaware	Deposit.
Isaac H. Maynard	do ..	Delaware	Stamford.
Thomas Hammond	do ..	Dutchess.....	Dover Plains.
De Witt Webb	do ..	Dutchess.....	Poughkeepsie.
Daniel Cruice	do ..	Erie	Buffalo.
William W. Lawson	do ..	Erie	Buffalo.
Edward Gallagher	do ..	Erie	Buffalo.
Charles F. Tabor	do ..	Erie	Lancaster.
Bertrand Chaffee	do ..	Erie	Springville.
William E. Calkins	do ..	Essex	Ticonderoga.
John J. Gilbert	do ..	Franklin.....	Malone.
John J. Hanson	do ..	Fulton and Ham..	Gloversville, Fult'n Co.
Newton H. Green	do ..	Genesee	South Byron.
Burton G. Morse	do ..	Greene	Red Falls.
Myron A. McKee	do ..	Herkimer	West Winfield.
Lotus Ingalls	do ..	Jefferson	Watertown.
Lansing Becker	do ..	Jefferson	Philadelphia.
Daniel Bradley	do ..	Kings	Brooklyn.
Jonathan Ogden	do ..	Kings	Brooklyn.
Michael Coffey	do ..	Kings	Brooklyn.
Tunis V. P. Talmage	do ..	Kings	Brooklyn.
Albion P. Higgins	do ..	Kings	Brooklyn.
Jacob Worth	do ..	Kings	Brooklyn, E. D.
Charles I. Lyon	do ..	Kings	Brooklyn, E. D.
Adrian M. Suydam	do ..	Kings	Brooklyn, E. D.
John McGroarty	do ..	Kings	Brooklyn.
Alexander H. Crosby	do ..	Lewis	Lowville.
James Faulkner, Jr.	do ..	Livingston	Dansville.
Morris N. Campbell	do ..	Madison	Hamilton.
Frederick C. Fiske	do ..	Madison	Canastota.
Willard Hodges	do ..	Monroe	Rochester.
James S. Graham	do ..	Monroe	Rochester.
Heman Glass	do ..	Monroe	Rochester.
George M. Voorhees	do ..	Montgomery	Amsterdam.
Nicholas Muller	do ..	New York.....	New York.
Felix Murphy	do ..	New York.....	New York.
James J. Slevin	do ..	New York.....	New York.
John Galvin	do ..	New York.....	New York.
George W. Betts	do ..	New York.....	New York.
Matthew Patten	do ..	New York.....	New York.
Isaac I. Hayes	do ..	New York.....	New York.
Frederick Gugel, Jr.	do ..	New York.....	New York.
Andrew J. Campbell	do ..	New York.....	New York.
Joseph Hoffman, Jr.	do ..	New York.....	New York.
Charles A. Peabody, Jr.	do ..	New York.....	New York.
Archibald Watts	do ..	New York.....	New York.
Robert H. Strahan	do ..	New York.....	New York.
Patrick J. Carty	do ..	New York.....	New York.
Martin P. Killian	do ..	New York.....	New York.
George Y. Whitson	do ..	New York.....	New York.

LIST OF OFFICERS.

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NAME.	Office.	County.	Residence, nearest P. O.
William T. Graff.....	Assemblyman ..	New York.....	New York.
Stephen J. O'Hare.....	do ..	New York.....	New York.
James T. King	do ..	New York.....	New York.
Isaac A. Englehart	do ..	New York.....	New York.
Joseph P. Fallon.....	do ..	New York.....	New York.
Amos A. Bissell	do ..	Niagara	Lockport.
Jonas W. Brown.....	do ..	Niagara	Youngstown.
Richard U. Sherman	do ..	Oneida	New Hartford.
Sylvester Gridley.....	do ..	Oneida	Waterville.
James H. Flannagan.....	do ..	Oneida	North Bay.
Walter Ballou.....	do ..	Oneida	Boonville.
Allen Munroe	do ..	Onondaga.....	Syracuse.
Carroll E. Smith.....	do ..	Onondaga.....	Syracuse.
C. Fred. Herbst.....	do ..	Onondaga.....	Syracuse.
Seth Stanley	do ..	Ontario	Stanley.
Hiram Maxfield	do ..	Ontario	Naples.
Thomas W. Bradley	do ..	Orange	Walden.
John H. Reeve	do ..	Orange	Slate Hill.
Joseph D. Billings	do ..	Orleans	East Gaines.
George B. Sloan.....	do ..	Oswego	Oswego.
Thomas W. Green.....	do ..	Oswego.....	Caughdenoy.
John Preston.....	do ..	Oswego	Pulaski.
James S. Davenport	do ..	Otsego	Richfield Springs.
George Scramling	do ..	Otsego	Oneonta.
Hamilton Fish, Jr.....	do ..	Putnam.....	Garrisons.
Townsend D. Cock.....	do ..	Queens.....	Locust Valley.
Alvin T. Payne.....	do ..	Queens.....	Long Island City.
William V. Cleary.....	do ..	Rensselaer.....	Troy.
William F. Taylor.....	do ..	Rensselaer.....	Berlin.
Thomas B. Simmons	do ..	Rensselaer.....	Greenbush.
Kneeland S. Townsend.....	do ..	Richmond	Stapleton.
George W. Weiant.....	do ..	Rockland	Haverstraw.
David McFalls	do ..	St. Lawrence.....	Gouverneur.
A. Barton Hepburn.....	do ..	St. Lawrence.....	Colton.
Lewis C. Lang.....	do ..	St. Lawrence.....	Brasher Falls.
George West	do ..	Saratoga.....	Ballston.
Isaac Noyes, Jr.....	do ..	Saratoga.....	Batchellerville.
Emmett O'Neill.....	do ..	Schenectady	Duanesburgh.
John M. Roscoe.....	do ..	Schoharie	Carlisle.
William Gulick.....	do ..	Schuyler.....	Watkins.
Lewis Post	do ..	Seneca	Lodi.
William B. Ruggles.....	do ..	Steuben	Bath.
Jerry E. B. Santee	do ..	Steuben	Hornellsville.
Samuel B. Gardiner	do ..	Suffolk.....	East Hampton.
Adolphus E. Wenzel.....	do ..	Sullivan.....	Callicoon.
Eugene B. Gere.....	do ..	Tioga.....	Owego.
Samuel D. Halliday.....	do ..	Tompkins.....	Ithaca.
Thomas Hamilton	do ..	Ulster	Rondout.
Jacob D. Wurts.....	do ..	Ulster	New Paltz.
Davis Winne.....	do ..	Ulster	The Corner.
Robbert Waddle.....	do ..	Warren.....	Weavertown.
Townsend J. Potter.....	do ..	Washington	Fort Edward.
Henry G. Burleigh.....	do ..	Washington	Whitehall.
Emory W. Gurnee.....	do ..	Wayne	Clyde.
Allen S. Russell	do ..	Wayne	Marion.
George H. Forster.....	do ..	Westchester.....	Riverdale.
Charles M. Schieffelin.....	do ..	Westchester	Mount Vernon.
James W. Husted.....	do ..	Westchester	Peekskill.
Arthur Clark.....	do ..	Wyoming	Java.
John Southerland.....	do ..	Yates.....	Voak.

LIST OF OFFICERS.

PRESIDING OFFICERS AND CLERKS.

NAME.	Office.	County.	Residence, nearest P. O.
William Dorsheimer	President of the Senate	Albany	Albany.
James W. Husted.....	Speaker of the Assembly	Westchester.....	Peekskill.
Henry A. Glidden	Clerk of the Senate	Orleans.....	Albion.
Edward M. Johnson.....	Clerk of the Assembly.....	Otsego	Oneonta.

L A W S,
OF THE
STATE OF NEW YORK,

PASSED AT THE

NINETY-NINTH REGULAR SESSION OF THE LEGISLATURE, BEGUN
THE FOURTH DAY OF JANUARY, AND ENDED THE THIRD
DAY OF MAY, 1876, AT THE
CITY OF ALBANY.

Chap. 1.

AN ACT to amend chapter three of the laws of one thousand eight hundred and forty-five, entitled "An act to prevent persons appearing disguised and armed."

Passed January 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter three of the laws of eighteen hundred and forty-five, entitled "An act to prevent persons appearing disguised and armed," passed January twenty-eighth, eighteen hundred and forty-five, is hereby amended so as to read as follows: Chapter 3,
laws of
1845,
amended.

§ 6. Every assemblage in public houses or other places of three or more persons disguised as aforesaid, is hereby declared to be unlawful, and every individual so disguised present thereat, shall be deemed guilty of a misdemeanor, and upon conviction be punished by imprisonment in the county jail not exceeding one year, provided that nothing contained in this act shall be held or construed as prohibiting, or as rendering unlawful any peaceable assemblage for any masquerade or fancy dress ball or entertainment, or any assemblage therefor of per- Assem-
blages of
disguised
persons
unlawful.

Masque-
rades and
fancy

dress balls
excepted.

Permis-
sion for
such in
cities to be
obtained
of police
author-
ities.

sons masked, or as prohibiting or rendering unlawful the wearing of masks, fancy dresses, or any other disguise, by persons on their way to, or returning from, such ball or other entertainment; and provided, also, that in the cities of this State, permission be first obtained from the police authorities of the said cities for the holding or giving of any such masquerade or fancy dress ball or entertainment therein, under such regulations as may be prescribed by the said police authorities.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 2.

AN ACT repealing so much of section one of chapter six hundred and thirty-four of the laws of eighteen hundred and seventy-five, as fixes a limitation upon the expenditure of the appropriation for work upon the New Capitol.

Passed January 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Provision
in sec. 1,
chap. 634,
of the laws
of 1875,
limiting
expendi-
ture of ap-
propria-
tion for
work, re-
pealed.

SECTION 1. The provision relative to the New Capitol in section one of chapter six hundred and thirty-four of the laws of eighteen hundred and seventy-five, entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations," passed June twenty-one, eighteen hundred and seventy-five, contained in the following words, to wit: "and not more than one-half of the said appropriation shall be expended before full detailed plans and specifications of the whole of the remainder of said building shall be made and approved, in writing, by the said Lieutenant-Governor, Auditor of the Canal Department and Attorney-General,"—is hereby repealed.

Plans and
specifica-
tions for
comple-
tion of
New Cap-
itol to be
made.

§ 2. The commissioners of the New Capitol are hereby required to determine upon and adopt full detailed plans and specifications of the whole of the remainder of the New Capitol building yet to be built beyond the Legislative story, and to report their determination to the Legislature within sixty days from the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 3.

AN ACT to extend the time for the collection of taxes in the city of Elmira.

Passed January 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collector
to pay
over

SECTION 1. The time for the collection of the city taxes in and for the city of Elmira, is hereby extended until the first day of June,

eighteen hundred and seventy-six; provided, however, that within ten days after the passage of this act, the collector of said city shall pay over all moneys by him collected, and renew his bond to the satisfaction of the common council of said city. moneys and re-new bond.

§ 2. This act shall take effect immediately.

Chap. 4.

AN ACT to repeal chapter three hundred and fifty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter three hundred and twenty-four of the laws of eighteen hundred and seventy-one, entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York.'"

Passed February 1, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and fifty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend* three hundred and twenty-four of the laws of eighteen hundred and seventy-one, entitled 'An act to incorporate the Sisterhood of Grey Nuns in the State of New York,' " is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 5.

AN ACT to enable "The Medical Society of the State of New York" to alter the time of holding its annual meeting.

Passed February 1, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Medical Society of the State of New York may from time to time change the day of holding its annual meeting to such other day in the year as may be more convenient, by a two-thirds vote of all the members present at any anniversary or annual meeting of said society, provided, that no such change shall be made unless notice of the intention to change the time of such annual meeting shall have been first given at a previous regular annual meeting. An entry in the minutes of said society of notice of such intention to change the time of the annual meeting, and an entry in such minutes of the vote taken upon any motion made pursuant to any such notice shall be prima facie evidence of such notice, motion, and the vote had thereon respectively. Medical society may change time of meeting. Two-third vote, and notice of intention necessary. Entry in minutes of intention to change time of meeting.

§ 2. This act shall take effect immediately.

* So in the original.

Chap. 6.

AN ACT authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county that will mature during the year eighteen hundred and seventy-six.

Passed February 1, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bonds,
issuing of,
author-
ized.

When
payable.

Denomi-
nation of
bonds,
and how
sold.

Engrav-
ing and
printing.

Avails of
bonds
sold, to
whom
paid, and
how ap-
plied.

Payment
of bonds
provided
for.

SECTION 1. The board of supervisors of the county of Albany are hereby authorized to issue bonds of the said county to the amount of one hundred thousand dollars, to be sealed with the seal of said county and signed by the chairman of said board, and by the treasurer of the county. Fifty thousand dollars of said bonds to be payable on the first day of March, eighteen hundred and eighty-seven, and fifty thousand dollars payable on the first day of March, eighteen hundred and eighty-eight, with interest at six per cent. per annum, payable semi-annually, on the first days of March and September. Said bonds to be of the denomination of one thousand dollars each, and the finance committee of the said board of supervisors are authorized and directed to sell the said bonds at public auction on the sixteenth day of February, eighteen hundred and seventy-six, the sale to be previously advertised for two weeks, successively, in the papers designated by resolution of said board of supervisors of said county of Albany, as the official county papers, providing that said bonds shall not be sold for less than par. Said finance committee of the board of supervisors shall receive proposals for the engraving and printing of such bonds, and let the same to the lowest responsible bidder; and the said finance committee of the said board of supervisors shall pay over the avails of said bonds to the treasurer of the county of Albany, less the amount of expenses of such sale, and said treasurer shall apply said avails in payment of the bonds of said county of Albany that shall mature in eighteen hundred and seventy-six, so far as the same shall be sufficient for that purpose.

§ 2. The said board of supervisors shall cause to be levied by tax on the taxable property of said county, and collected and paid annually, such sums as may be necessary to pay the interest on said bonds, and to pay such portion of the principal thereof from time to time as the same shall become due, and the said treasurer shall apply the money so collected and paid to him towards the interest and principal of said bonds as they become due.

§ 3. This act shall take effect immediately.

Chap. 7.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns of the State.

Passed February 1, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
collection
of taxes,

SECTION 1. If any collector or receiver of taxes in any town of this State shall pay over all moneys collected by him, and shall renew his

bond as is herein provided, the time for the collection of taxes and for making return thereof by him, shall be and is hereby extended to the ^{how ex-} fifteenth day of March, eighteen hundred and seventy-six. Such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof; or in case of his absence or inability to act, by the town clerk thereof. The penalty thereof in any case shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing, and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is.

§ 2. It shall be the duty of the Secretary of State, immediately after the passage of this act, to cause it to be printed upon slips of paper, ^{Duties of Secretary of State.} and deliver to each county treasurer a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof to each collector or receiver of taxes in his county.

§ 3. This act shall not apply to any county in which the board of supervisors thereof has already made provision for the extension of the time for the collection of taxes. ^{To what counties applicable.}

§ 4. This act shall take effect immediately.

Chap. 8.

AN 'ACT to amend chapter three hundred and twenty-nine of the laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the fire department of the city of Syracuse."

Passed February 2, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one, of chapter three hundred and twenty-nine of the laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the fire department of the city of Syracuse," is hereby amended so as to read as follows :

§ 1. All such persons as now are or shall hereafter be members of each and every fire company, organized and to be organized by the common council of the city of Syracuse, under the charter of said city, shall be and continue a body corporate, by the name of the fire department of the city of Syracuse, and they and their successors by the said name, are authorized to purchase, receive by gift or otherwise, hold and convey, any real or personal property, for the use of said corporation, not exceeding in value the sum of twenty thousand dollars. ^{Syracuse Fire Department made a corporation.}

§ 2. This act shall take effect immediately.

Chap. 9.

AN ACT to legalize and confirm all the acts of the trustees of the village of Medina, in the laying out and construction of South Avenue sewer, and accepting conveyances of real estate therefor.

Passed February 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts of
trustees
legalized.

SECTION 1. All the acts of the board of trustees of the village of Medina in the laying out and construction of the sewer in said village, during the year eighteen hundred and seventy-five, known as the South Avenue sewer, are hereby legalized, ratified and confirmed.

Convey-
ances and
grants of
land de-
clared
vested in
said vil-
lage.

§ 2. All the conveyances and grants of land to the village of Medina, by any and all persons over or through whose lands said South Avenue sewer is constructed, are hereby declared to vest in said village of Medina, all the rights and powers therein expressed.

§ 3. This act shall take effect immediately.

Chap. 10.

AN ACT to alter the boundaries of the towns of Hopkinton and Colton, in the county of St. Lawrence.

Passed February 3, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Alteration
of bound-
aries.

SECTION 1. Township number two, Oakham, township number five, Jamestown, and township number eight, Hollywood, being part of great tract number two of Macomb's purchase, in the county of St. Lawrence, at present constituting a part of the town of Hopkinton in said county, are hereby set off from said town of Hopkinton, and annexed to the town of Colton, in said county.

§ 2. This act shall take effect immediately.

Chap. 11.

AN ACT in relation to posting notices and papers in the county of Erie.

Passed February 4, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Notices
and
papers,
posting of.

SECTION 1. As soon as the new city and county hall which is now being erected in the city of Buffalo, is occupied by the principal county officers and the county courts of said county, it shall be a sufficient posting of all notices and papers now required by law to be posted on

the outer door of the court-house in said county, that the same be posted upon bulletin boards to be placed in the vestibule of said city and county hall.

§ 2. This act shall take effect immediately.

Chap. 12.

AN ACT to authorize the city of Schenectady to borrow money for current expenses.

Passed February 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Schenectady is hereby authorized to borrow upon the notes of the city treasurer and the credit of the city, a sum not exceeding eight thousand dollars, to be used in defraying the current expenses of the city until March first, eighteen hundred and seventy-six. The amount so borrowed to be raised by tax upon the taxable property of said city within the next year and levied and collected as other taxes are.

Borrow-
ing money
author-
ized, and
payment
provided
for.

§ 2. This act shall take effect immediately.

Chap. 13.

AN ACT in relation to the Central New York Institution for Deaf-mutes at Rome.

Passed February 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Central New York Institution for Deaf-mutes, at Rome, is hereby authorized to receive deaf and dumb persons between the ages of twelve and twenty-five years, eligible to appointment as State pupils, and who may be appointed to it by the Superintendent of Public Instruction, and the Superintendent of Public Instruction is authorized to make such appointment to the aforesaid institution, and, in his discretion, to date back the first thirty appointments to the first day of October, eighteen hundred and seventy-five.

Eligibility
of persons
to be re-
ceived in.

§ 2. The Comptroller is directed to pay for the support and instruction of thirty pupils at the said institution in quarterly payments, the first of which shall be made on the passage of this act, the sum of nine thousand dollars appropriated by chapter three hundred and seventy-three of the laws of eighteen hundred and seventy-five, or a proportionate amount for a shorter period of time than one year or for a smaller number of pupils, upon the certificate and oath of the president and secretary of the said institution, approved by the Superintendent of Public Instruction; and this sum shall be in full of all demands upon the State up to the first day of October, eighteen hundred and seventy-six.

Support
and in-
struction
of thirty
pupils
provided
for.

§ 3. This act shall take effect immediately.

Chap. 14.

AN ACT to authorize the mayor of the city, and the supervisor of the town of Binghamton, to sell and convey the real estate of said city and town situate in said city, for bridge or highway purposes.

Passed February 8, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Mayor
and super-
visor an-
thorized
to sell cer-
tain lands.

May ex-
change for
other
lands
under cer-
tain re-
strictions.

SECTION 1. The mayor of the city of Binghamton, and the supervisor of the town of Binghamton, in the county of Broome, or their successors in office, are hereby authorized and empowered to sell, grant and convey the lands belonging to said city and town of Binghamton, acquired of the Susquehanna Bridge Company and of the Rockbottom Bridge Company, or any of said lands, and to give a good and sufficient deed or deeds therefor. And the said mayor and supervisor, or their successors, are also authorized and empowered to take, receive and accept for the said city and town, for bridge and highway purposes, the title to, and fee of, any other lands in said city in exchange for said lands now owned by said city and town. Provided, however, that no lands shall be sold or conveyed by virtue of this act, so as to damage or impair the use of said bridges or the approaches thereof, or either or any of them.

§ 2. This act shall take effect immediately.

Chap. 15.

AN ACT to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled "An act to condense and amend the several acts relating to the village of Albion."

Passed February 8, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-eight of chapter one hundred and twenty-five, of the laws of eighteen hundred and forty-two, entitled "An act to condense and amend the several acts relating to the village of Albion," is hereby amended so as to read as follows:

What
shall con-
stitute the
bound-
aries of
school
district
No. 1, of
Albion.

§ 48. The territory or district of country embraced within and constituting the said village of Albion, shall be and constitute school district number one, of the town of Albion, Orleans county; and whenever the territory of said village shall be enlarged, the act of enlargement shall extend the boundaries of the said school district number one, of the town of Albion, so that at all times the boundaries of said village of Albion and of said school district shall correspond with each other.

§ 2. This act shall take effect immediately.

Chap. 16.

AN ACT to prevent injury to animals in the city of New York.

Passed February 8, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who shall willfully throw, expose or place, or who shall willfully cause, or procure to be thrown, exposed or placed, in or upon any street, highway or public place in the city of New York, open for the passage of animals, any nails, pieces of metal, glass, or other substance or thing which might maim, wound, lame, cut or otherwise injure any animal, shall be guilty of a misdemeanor. Throwing certain substances in streets made a misdemeanor.

§ 2. Every person who shall throw, expose or place, or who shall cause or procure to be thrown, exposed or placed in or upon any such street, highway or public place except upon the curves, crossings or switches of railroad tracks, any salt, saltpeter or other substance for the purpose of dissolving any snow or ice, which may have fallen or been deposited thereon, shall be guilty of a misdemeanor.

§ 3. This act shall take effect at the expiration of ten days after its passage.

Chap. 17.

AN ACT to confirm the official acts of Walter H. Allen, a superintendent of the poor of the county of Seneca, and to enable him to take and file his oath of office.

Passed February 9, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts done by Walter H. Allen, as superintendent of the poor of the county of Seneca, since the commencement of the term of office for which he was elected, to wit: the first day of January, in the year one thousand eight hundred and seventy-six, are hereby declared as valid and of as full effect as if he had taken and filed his oath of office required, within the time required by law. But this act shall not affect the rights of any party to any suit or proceeding commenced previous to its passage. Official acts confirmed. Rights of parties to suits commenced not affected.

§ 2. The said Walter H. Allen may, within ten days after the passage of this act, take and file his official oath as superintendent of the poor of said county of Seneca, and he shall thereupon be entitled to enter upon and discharge the duties of said office during the residue of his said term. May take oath of office.

§ * This act shall take effect immediately.

* So in the original.

Chap. 18.

AN ACT in relation to the police court and justices' court of the city of Troy.

Passed February 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Police
magis-
trate and
assistant,
appoint-
ment of,
and term
of office.
Vacan-
cies, how
filled.

Qualifica-
tions of ap-
pointees.

Name of
court.
Removal
from office
of.

Oath of
office to be
taken.
Jurisdic-
tion of
court, and
its powers
and
duties.

Certain
things
declared
offenses.

SECTION 1. Immediately upon the passage of this act, and thereafter, from time to time, as required by this act, there shall be appointed by the mayor of the city of Troy, a police magistrate and an assistant police magistrate for the said city of Troy, who shall hold their offices during the term of six years, or until their successors shall be appointed by the mayor, and shall duly qualify. Whenever a vacancy shall occur in either of said offices by reason of death, removal from the city, or removal from office, as now provided by law for the removal from office of justices of the peace in towns, the mayor shall appoint a police magistrate or an assistant police magistrate to fill such vacancy. No person shall be so appointed police magistrate or assistant police magistrate unless he shall be a resident of the city of Troy, and shall have been for at least three years previous to said appointment duly admitted to practice as an attorney, counselor and solicitor in the several courts of this State. The court held by such police magistrate or said assistant police magistrate shall be known as the police court of the city of Troy. And said police magistrate and said assistant police magistrate may be removed from office in the same manner and for the same causes as justices of the peace in towns.

§ 2. The said police magistrate and the assistant police magistrate shall take and subscribe the constitutional oath of office before the county clerk of Rensselaer county. The said police magistrate shall have, over all crimes or offenses committed in said city of Troy or in the county of Rensselaer, authority to exercise all the powers and discharge all the duties, and be subject to all the provisions of law conferred or imposed upon or applicable to justices of the peace in criminal cases in the several towns of this State, and he shall have all the powers of justices of the peace in towns or of courts of special sessions held by justices of the peace in towns in all criminal cases and matters, and such other or additional powers as are hereinafter conferred upon him, and, as such court of special sessions, shall have jurisdiction of offenses of the grade of misdemeanors.

§ 3. The said police magistrate shall have authority, subject to the provisions of this act, to hear and determine charges for crimes or offenses in the cases enumerated in section first, article first, title third, chapter second, of the fourth part of the Revised Statutes, and also all complaints and charges against any person for the commission of any of the acts or offenses designated in the first section of title fifth, chapter twentieth, of the first part of the Revised Statutes, and also all offenses triable by courts of special sessions in towns, and also the following charges (which are hereby declared to be offenses and the persons committing the same disorderly persons), to wit, indecent exposure of person, disturbing the people or public peace by noisy, tumultuous or riotous conduct, and upon conviction of any such offenses shall have power to punish by fine, not exceeding two hundred and fifty dollars, or by imprisonment in the county jail of Rensselaer county at hard labor for a term not exceeding one year, or by both such fine and

imprisonment. The provisions of this section shall apply to all of the above designated crimes and offenses when committed either within the city of Troy or the said county of Rensselaer. The said police magistrate shall have power and authority to hear, try and determine, all complaints for violations of any ordinance of the said city of Troy.

§ 4. When any person charged with having committed any crime or offense within the city of Troy, specified in the preceding section of this act, shall be brought before such magistrate, it shall be his duty forthwith to try and determine the complaint or charge against such person according to the provisions of said article first, title third, chapter second, of the Revised Statutes, whether the person charged with such offense requests to be tried or not, and no other court or magistrate shall have jurisdiction to try such person for such offense; and before entering upon such trial, such police magistrate may, in his discretion, adjourn the hearing or trial thereof from time to time for the purpose of procuring material testimony either on the part of the people or the accused for a period not exceeding sixty days; and such police magistrate may commit the accused to jail until such day, or suffer such accused to go at large upon his or her executing to the People of the State of New York and filing with said police magistrate a bond with one or more sureties to be approved by him in the penalty of not exceeding five hundred dollars, conditioned for the personal appearance of the accused before such police magistrate on the day to which such hearing or trial shall be adjourned, and that he will not depart therefrom without leave of the court.

Persons charged with crime, trial of.

May commit or admit to bail.

§ 5. Whenever any bond so given shall be forfeited, it shall be delivered to the city attorney of the city of Troy, with a written request indorsed thereon by the said police magistrate that the said city attorney commence an action to recover the penalty of said bond, and the city attorney shall thereupon commence such action without delay in the name of the people and for the benefit of the city of Troy, and prosecute the same to judgment. All moneys collected in such suits or upon such bonds shall immediately be accounted for and paid over by the said city attorney to the chamberlain of the city of Troy for the use and benefit of said city.

Bail bond, when forfeited, by whom prosecuted.

Moneys collected on bonds, to whom paid.

§ 6. Whenever said police magistrate shall be unable to perform his official duties by reason of sickness, absence or other temporary disability, it shall be the duty of the said assistant police magistrate to perform the official duties of said police magistrate, and while so acting, shall be known as assistant police-magistrate, and shall have the same power and authority and jurisdiction conferred upon such police magistrate by this act; and whenever said assistant police magistrate shall issue any warrant or process, the same shall be made returnable before said police magistrate; and whenever the said police magistrate shall resume his official duties, he shall have the same power to proceed thereon as though such warrant or process had been issued by himself; and said assistant police magistrate may at any time issue any warrant or other criminal process, returnable before the said police magistrate.

When police magistrate unable to perform his duties, assistant to act in his stead.

Processes issued by assistant, before whom returnable, and powers of police magistrate thereon.

§ 7. The police magistrate and the assistant police magistrate shall keep true and accurate record of the proceedings before them. Such record shall contain the names of all persons arrested and brought before them, and the substance of the charge made against them, and the names of all persons against whom warrants shall have been issued and the substance of the charge contained in such warrants; and in case of conviction, a full statement of the sentence and a full and correct account of the disposition of any prisoner brought before either of

Records of proceedings to be kept. What to contain.

Chap. 19.

AN ACT to authorize the city of Newburgh to raise certain moneys by tax, for the care and improvement of Washington's Head-quarters.

Passed February 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Alfred Goodrich to be paid for taking care of Washington's head-quarters.

SECTION 1. The treasurer of the city of Newburgh is authorized and directed to pay to the "Trustees of Washington's Head-quarters in the city of Newburgh," from the contingent fund of said city, the sum of two hundred and thirty-three dollars, to be applied by them in the payment of Alfred Goodrich, for care of Washington's Head-quarters, from February first, eighteen hundred and seventy-five, to June first, eighteen hundred and seventy-five.

Common council to raise annually a certain sum for care and improvement of Washington's head-quarters.

§ 2. The common council of the city of Newburgh, shall, annually, cause to be raised, by a general tax, at the same time and in the same manner that taxes are raised for contingent and school purposes, the sum of five hundred dollars, which sum, when so raised, shall be paid by said city to the "Trustees of Washington's Head-quarters in the city of Newburgh," and shall be expended by said trustees with the moneys appropriated by the State of New York, in the care and improvement of the grounds and property known as Washington's Head-quarters aforesaid.

Chap. 20.

AN ACT to authorize the village of Corning, Steuben county, to borrow money to pay its outstanding bonds issued pursuant to chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-one.

Passed February 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees of village authorized to

SECTION 1. The trustees of the village of Corning, in the county of Steuben, are hereby authorized to borrow, on the credit of said village, a sum of seven thousand five hundred dollars at a rate of interest exceeding seven per cent. per annum, payable semi-annually and to the corporate interest bearing bonds of said village therefor, signed by the president and treasurer, and countersigned by the clerk thereof. The said treasurer may dispose of said bonds for the purpose of such loan, but for not less than par.

2. The bonds so issued shall be due and payable as follows: One thousand five hundred dollars, October first, eighteen hundred and eighty-seven; two thousand dollars, October first, eighteen hundred and seventy-eight; two thousand dollars, October first, eighteen hundred and seventy-nine; two thousand dollars, October first, eighteen hundred and eighty, and the interest thereon, payable semi-annually, on the first day of April and October. The amount so borrowed shall be paid, by said treasurer, to the credit of a fund for the payment of

the outstanding bonds of said village, issued pursuant to chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-one, and shall, by the trustees of said village, be applied for such purpose only. amount borrowed.

§ 3. The trustees of said village shall cause to be levied by tax upon the taxable property in said village, such sums annually as shall be necessary to pay said bonds by this act authorized to be issued, and the interest thereon, as the same shall become due, and the said treasurer shall apply the money so collected and paid to him, to the payment of the said bonds and the interest thereon, when the same shall become due and payable. Trustees to provide by tax for payment of bonds.

Chap. 21.

AN ACT to authorize police justices and justices of the peace to take recognizance during trial or examination.

Passed February 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In any trial or examination before a police justice or justice of the peace, of any city or town, of any person charged with an offense bailable by such magistrate, whenever it shall be made to appear to the satisfaction of such justice, that such trial or examination should be continued to some other day, he may take a recognizance with sufficient surety, by two freeholders or householders, residents of the county in which the trial is being held, for the appearance before him on such day, of the person to be tried or examined; and if such person shall fail to appear at such time and abide the final decision of said justice, the recognizance shall be deemed to be forfeited, and shall be prosecuted like other forfeited recognizances, and in addition thereto the justice may issue his warrant for the arrest of the person so let to bail. Recognizances may be taken pending trial or examination. Proceeding in case of forfeiture of recognizance.

§ 2. This act shall take effect immediately.

Chap. 22.

AN ACT to confirm a certain deed made by the Trustees of the Lafayette Avenue Presbyterian Church in the city of Brooklyn, to the Trustees of the Fort Green Presbyterian Church in said city.

Passed February 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. A certain deed executed by the Trustees of the Lafayette Avenue Presbyterian Church in the city of Brooklyn, to the Trustees of the Fort Green Presbyterian Church in said city, dated the twenty-first day of April, eighteen hundred and seventy-three, and recorded in the office of the register of the county of Kings, on the twelfth day of May, eighteen hundred and seventy-three, in liber of conveyances eleven hundred and six, page three hundred and eighty-two, is hereby ratified and confirmed. Deed of trustees confirmed.

Chap. 23.

AN ACT to confirm a certain deed made by the Border Mission Sabbath School of the city of Brooklyn, to the Trustees of the Lafayette Avenue Presbyterian Church in the city of Brooklyn.

Passed February 21, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Confirma-
tion of
deed.

SECTION 1. A certain deed executed by the Border Mission Sabbath School of the city of Brooklyn, to the Trustees of the Lafayette Avenue Presbyterian Church in the city of Brooklyn, dated the fifth day of January, eighteen hundred and seventy-four, and recorded in the office of the register of the county of Kings, on the twenty-first day of January, eighteen hundred and seventy-four, in liber of conveyances eleven hundred and forty-two, page two hundred and three, is hereby ratified and confirmed.

Chap. 24.

AN ACT to alter the first and second judicial districts of the State as established by chapter two hundred and forty-one of the laws of eighteen hundred and forty-seven, entitled "An act to divide the State into judicial districts," so as to conform the same to the boundaries of the city of New York and of the county of Westchester as now constituted by law.

Passed February 21, 1876; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

First judi-
cial dis-
trict, what
shall con-
stitute.
Second ju-
dicial dis-
trict, what
shall con-
stitute.

SECTION 1. The first judicial district of the State shall consist of the city of New York, as the same has been constituted by law since the first day of January, eighteen hundred and seventy-four. The second judicial district shall consist of the counties of Richmond, Suffolk, Queens, Kings, Westchester, as the same has been constituted by law since the first day of January, eighteen hundred and seventy-four, Orange, Rockland, Putnam and Dutchess.

§ 2. This act shall take effect immediately.

Chap. 25.

AN ACT to legalize and confirm the official acts of the supervisor, town clerk and justices of the peace of the town of Madrid, in the county of St. Lawrence, during the year eighteen hundred and seventy-two, in issuing the bonds of said town to the amount of seven hundred and fifty dollars, for the purpose of completing the town hall in said town, and to legalize the vote of the electors of said town, at their annual town meeting in eighteen hundred and seventy-two, authorizing the issuing of said bonds.

Passed February 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The vote of the electors of the town of Madrid, in the county of St. Lawrence, at their annual town meeting, held on the second Tuesday of February, eighteen hundred and seventy-two, authorizing the supervisor, town clerk and justices of the peace of said town to issue the bonds of said town to the amount of seven hundred and fifty dollars, for the purpose of completing the town hall in said town and the acts of the said supervisor, town clerk and justices of the peace in issuing the bonds of said town in the year eighteen hundred and seventy-two to the amount of seven hundred and fifty dollars, bearing interest at the rate of seven per cent. per annum, and becoming due and payable January first, eighteen hundred and seventy-seven; and raising money on the same by selling the same at par and applying the proceeds to the completion of the town hall in said town, are hereby, in all respects, legalized, ratified and confirmed. And the said bonds so issued are hereby made a legal debt, obligation and demand against said town. Vote of electors and acts of town officers relative to town hall, confirmed.

§ 2. The board of supervisors of the county of St. Lawrence are hereby authorized and directed to levy upon the taxable property of the town of Madrid, such sum or sums as shall be necessary to pay the said bonds and the interest accruing thereon, as the same shall become due, and also to pay such amounts of interest as have heretofore become due. Bonds issued made a legal debt. Board of supervisors to levy tax to pay bonds and interest.

§ 3. This act shall take effect immediately.

Chap. 26.

AN ACT to legalize and confirm the acts of Samuel H. Corwin, Abraham Van Nest Powellson, William H. Stoddard and Harrison Bull, justices of the peace of the town of Wallkill, Orange county, and to enable them to file their official bonds.

Passed February 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings by or before Samuel H. Corwin, Abraham Van Nest Powellson, William H. Stoddard and Harrison Acts and proceedings of

Justices
legalized.

Suits or
proceed-
ings com-
menced
not affect-
ed.

To take
oath of
office and
file bonds.

Bull, justices of the peace of the town of Wallkill, in the county of Orange, since the date of the commencement of their terms of office, respectively, are hereby declared as valid and of as full effect as if they had filed their respective bonds within the time required by law. But this act shall, in no way, affect the rights of any party to any suit or any proceedings commenced previous to the passage of this act before said justices.

§ 2. The said Samuel H. Corwin, Abraham Van Nest Powellson, William H. Stoddard and Harrison Bull may, within ten days after this act shall take effect, make and file official bonds as justices of the peace, and they shall thereupon be entitled to enter upon, and discharge their duties as such justices of the peace during the residue of their respective terms of office.

§ 3. This act shall take effect immediately.

Chap. 27.

AN ACT further to amend chapter six hundred and eighty-one of the laws of eighteen hundred and seventy-three, entitled "An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island."

Passed February 21, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter six hundred and eighty-one of the laws of eighteen hundred and seventy-three, entitled "An act to establish communication between Richmond county and New Jersey, incorporating the Tubular Transit Company of Staten Island," is hereby further amended so as to read as follows:

Time
within
which or-
ganiza-
tion to be
perfected
and work
com-
menced.
Penalty
for not
complying
with pro-
visions of
this act.

§ 5. The said corporation shall, before the first day of June, eighteen hundred and seventy-eight, have completed its organization and have paid in not less than fifty per cent. of its capital, and have actually commenced work, and have filed a certificate thereof in the office of the Secretary of State; and it shall, within two years thereafter, have completed and in operation at least one of its tunnels; and in default thereof this act shall be null and void.

§ 2. This act shall take effect immediately.

Chap. 28.

AN ACT to provide for an additional justice of the peace in the town of Onondaga, county of Onondaga.

Passed February 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Additional
justice
of the
peace,

SECTION 1. A justice of the peace shall be elected at the next annual town meeting in the town of Onondaga, in the county of Onondaga, in addition to those now authorized by law. He shall enter upon the

duties of his office on the first day of January succeeding his election and shall continue in office for four years. Thenceforth the election and official term of said justice shall conform to those of justices of the peace of towns. Election and term of office.

§ 2. Said justice of the peace shall have all the powers, be subject to all the liabilities, and perform the duties of the justices of peace of towns. Powers and duties.

§ 3. This act shall take effect immediately.

Chap. 29.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code."

Passed February 28, 1876; three-fifths being present, and two-thirds of the members in each House present concurring therein.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-two of chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code," is hereby amended so as to read as follows:

§ 42. It shall be the duty of the Inspector-General to visit, at least once in every two years, each regimental and battalion district in the State. He shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals and military store-houses; and he shall report to general head-quarters the improvement in discipline and tactical instruction of the National Guard, as well as other matters appertaining to his department. The General Inspector of rifle practice shall have charge of rifle practice throughout the State, and shall direct the manner in which the same shall be conducted. He shall report direct to the Inspector-General. The division, brigade, regimental and battalion inspectors of rifle practice shall perform such duties as may from time to time be prescribed by the General Inspector of rifle practice, with the approval of the Inspector-General. On the approval of the Commander-in-Chief, expenditures may be made from the appropriations for military purposes, for services and expenses in maintaining rifle ranges, and promoting rifle practice in the National Guard. Duties of Inspector-General. General Inspector of rifle practice. Expenditures for rifle ranges.

§ 2. Section seventy of said act is hereby amended so as to read as follows:

§ 70. In case of the election or appointment of a supernumerary officer to office in a regiment, battalion, troop, battery or company, he may be commissioned with rank from the same date as that conferred by his previous commission for like office; and the Commander-in-Chief may assign any supernumerary officer of sufficient rank to fill a vacancy on the staff of any Major-General or Brigadier-General or commandant of regiment or battalion who requests the same. Supernumerary officer.

* See § 6 of article eleven of the Constitution of the State of New York.

§ 3. Section two hundred and fifty-three of said act is hereby amended so as to read as follows:

Terms
of service
of non-
commis-
sioned of-
ficers, mu-
sicians
and pri-
vates.

§ 253. Every non-commissioned officer, musician and private of the National Guard originally enlisting shall be held to duty therein for the term of five years, and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment; battalion, separate troop, battery or company; provided, however, that every such non-commissioned officer, musician and private, shall continue to be held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application; except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately, and also further provided that every non-commissioned officer, musician and private who enlisted prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted. Every commissioned officer, and every non-commissioned officer, musician and private of the National Guard shall be exempt from jury duty during the time he shall perform military service; and every such person who shall have so served five or more years and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer, musician or private of the National Guard shall be discharged from service except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery or company, of the surgeon of the division or brigade to which such separate troop, battery or company is attached; always provided, however, that the commandant of each division may, for sufficient reason, and in his discretion, grant discharges to enlisted men in his division, at any time, upon the recommendation of the commandant of the troop, battery or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong; and in the case of a separate regiment, battalion, troop, battery or company attached to a division, upon the recommendation of the commandant of such separate regiment, battalion, troop, battery or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has turned over or satisfactorily accounted for all property issued to him. Commanding officers of divisions, regiments and battalions, and of separate troops, batteries or companies, shall make returns to the Adjutant-General, on the last day of March, June, September and December, in each year, of all discharges granted by them during the previous three months, giving the names and grades of the persons so discharged, and specifying the causes for which discharged.

Members
of Nation-
al Guard
exempt
from jury
duty.

Discharg-
es for
physical
disability.

Enlisted
men to ac-
count for
property
issued to
them be-
fore dis-
charge.
Com-
manding
officers to
report to
Adjutant-
General
discharg-
es grant-
ed.

§ 4. Section two hundred and fifty-four of said act is hereby amended so as to read as follows:

Discharge
of non-
commis-
sioned of-

§ 254. Whenever any non-commissioned officer, musician or private of the National Guard shall have performed service therein for the term of five years from the date of his enlistment, or for the term for

which he may have re-enlisted, properly uniformed, armed and equipped, according to the provisions of this act, he or the commandant of his troop, battery or company shall be entitled to apply for his discharge from the service; and, upon his so applying, and presenting the certificate of the commandant of his troop, battery or company, that he has performed such service, and that he has turned over or satisfactorily accounted for all property issued to him, which certificate the said commandant shall give him, if warranted by the facts, or upon the commandant of his troop, battery or company so applying and certifying to such facts, the commandant of the regiment or battalion to which he belongs, or in case of a separate regiment, battalion, troop, battery or company, the commandant of the brigade or division to which it is attached shall grant him a full discharge from the service at the expiration of three months from the date of the application; but if the application be made by the commandant of his troop, battery or company, the discharge may be granted immediately, for sufficient reason and in his discretion, by the officer authorized to grant the same.

officers, musicians and privates.

§ 5. All acts or parts of acts conflicting with the provisions of this act are hereby repealed; but such repeal shall not affect any legal proceedings commenced under such conflicting acts.

Acts in conflict repealed.

§ 6. This act shall take effect immediately.

Chap. 30.

AN ACT to amend chapter five hundred and twenty of the laws of eighteen hundred and seventy, entitled "An act to establish and maintain a police force in the city of Troy," and to increase the powers and duties of the police commissioners of said city.

Passed February 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter five hundred and twenty of the laws of eighteen hundred and seventy, entitled "An act to establish and maintain a police force in the city of Troy," is hereby amended so as to read as follows:

§ 3. The police board of the city of Troy shall consist of three commissioners, to be appointed by the mayor of said city for the time being, as follows: On the first Tuesday of March next, two electors of said city, one from each of the two principal political parties, shall be appointed by the mayor as such commissioners, whose term of office shall commence on the second Tuesday of March eighteen hundred and seventy-six, to take the place of the present commissioner, whose term of office expires on that day, and of the mayor, whose connection with the board as one of said commissioners, is hereby terminated. One commissioner shall be appointed by the mayor, whose term of office shall commence on the second Tuesday of March, eighteen hundred and seventy-seven, to take* place of the present commissioner, whose term of office expires on that day. The term of office of said commissioners shall be three years. The said commissioners of the police board

Three commissioners, how appointed, and terms of service.

* So in the original.

Salaries. of the city of Troy—one of whom shall be chosen president of said board—shall each receive an annual salary of one thousand dollars, payable in such manner as the police board of the city may direct.

§ 2. Section five of said act is hereby amended so as to read as follows:

To be excise commissioners.

License fees and fines and penalties. Board of excise may appoint a clerk. His salary. No compensation to excise commissioners.

§ 5. The said board of police commissioners shall be, by virtue of their office, excise commissioners of the city of Troy, and shall possess the powers conferred, and discharge the duties imposed, upon boards of excise in cities by law, and there shall be no other board of excise in said city. All fees for licences which shall be issued by said board of police acting as such board of excise in the city of Troy, and all fines and penalties provided for by said chapter shall be received by said board of police, and shall be paid to the chamberlain of the city of Troy, monthly, for the use and benefit of the poor fund of the said city and toward paying the expense of maintaining the poor of said city. The said board of excise shall have power to appoint a clerk of said board at an annual salary of one thousand dollars, payable quarterly, but no additional compensation shall be paid said commissioners of police for acting as commissioners of excise.

§ 3. Section six of said act is hereby amended so as to read as follows:

Oath of office.

§ 6. The persons so selected and appointed by the mayor, police commissioners, or hereafter selected and appointed, shall thereupon, and before their term of office commences, take and subscribe before the mayor or any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office, which oath or affirmation shall be filed in the office of the city clerk.

§ 4. Section seven of said act is hereby amended so as to read as follows:

Record of proceedings.

§ 7. The said police board shall keep a record of their proceedings, and they shall appoint one of their number to be secretary of the board. Such secretary shall have the custody of all books and papers belonging to the board, but the same shall be at all times open to the inspection of each of the said commissioners, and of the public.

§ 5. Section nine of said act is hereby amended so as to read as follows:

Vacancies.

§ 9. Upon the expiration of the term of office of said commissioners, either by the expiration of their term of office, death, removal from the city, or for any other cause, the mayor shall appoint in the mode and manner provided in section three of this act, commissioners to fill the vacancies, whose term of office shall be, if to fill the vacancy of the term of office of a commissioner whose term has expired, three years, if to fill the vacancy of a commissioner whose term of office has ceased for any cause other than expiration of term of office, then and in this case the term of such commissioner shall be for the remaining unexpired term of such commissioner.

§ 6. Section ten of said act is hereby amended so as to read as follows:

Mayor may suspend commissioners.

§ 10. The mayor of the city of Troy shall have power to suspend any of the commissioners hereby appointed, in the mode and manner now provided by the charter of the city of Troy, for the suspension or removal from office of city officers.

Summary trials of members of police force.

§ 7. Section twenty-two of said act is hereby amended by adding thereto the following:

But nothing in this act contained shall be so construed as to prevent the said board of police commissioners from summarily arraigning and

trying any member of said police force, or clerk, surgeon or detective under said board of police commissioners for insubordination, disobedience of orders, rules or regulations, or neglect of duty or for intoxication or misbehavior while on duty. The charge shall be stated to said delinquent, either orally or in writing, and if, on investigation, the charge shall, in the opinion of said board of police commissioners, or a majority of them, be sustained, the said board shall have power, and it shall be their duty to dismiss such person from service and to appoint another person in his stead, anything in the act, to which this act is an amendment to the contrary notwithstanding.

When found guilty.

§ 8. Section thirty-three of said act is hereby amended so as to read as follows:

§ 33. It shall be the duty of said board of police commissioners to detail on the day of any election in the city of Troy, at least two patrolmen to each election poll, appoint all poll clerks provided for by law—the majority of such poll clerks in each ward shall be appointed from the political minority in such ward—and such poll clerks shall be clerks to the inspectors and to the canvassers, and it shall be their duty to keep and preserve the original tallies, and to return the same to the commissioners of the police within twenty-four hours after the canvass shall have been completed, in default of which the neglect or omission shall be deemed a misdemeanor; the poll clerks of each of the two principal political parties shall be appointed upon the nomination of the commissioner or commissioners respectively representing the party from which said poll clerks shall be appointed. The said police commissioners shall also provide ballot-boxes for use at any and all such elections, and to have the custody of said boxes at all times except during the taking, receiving and counting of the votes. Said city of Troy shall pay the expense of procuring and taking care of such boxes.

Duties of commissioners on days of election.

Of poll clerks.

Commissioners to provide ballot-boxes, and have custody of same.

§ 9. Section thirty-six of said act is hereby amended by adding at the end thereof the following paragraph:

“The said statement shall be made out in detail, and shall be verified by the superintendent of police or one of the said police commissioners, and said statement shall also contain an accurate account of the number of days any officer or member of the said police force has during each year attended the criminal courts of record in said county of Rensselaer, or at the district attorney's office as required by this act, and the same shall be verified by the oath of the superintendent of police, or one of the police commissioners, and the board of supervisors shall audit and allow said account for moneys paid out so verified, and shall audit and allow for each day's attendance upon the said courts and the district attorney's office, the compensation which such member of the police force is entitled to receive under this act.

Charges against county.

Audit of same.

§ 10. This act shall take effect immediately.

Chap. 31.

AN ACT to release the interest of the People of the State of New York in certain real estate to Jasper Robertson.

Passed February 28, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York in and to certain real estate situate in the town

Lands in Murray,

Orleans
county,
released.

of Murray and county of Orleans, known as part of lots one hundred and eighty-nine and one hundred and ninety, in township three of the one hundred thousand acre tract, so called, and more particularly described in a deed given by David Webster and wife to William J. Bates, dated the twenty-seventh day of October, eighteen hundred and sixty-five, and recorded in liber eighty of deeds, at page ninety-six, in the clerk's office of Orleans county, are hereby released to Jasper Robertson, the grantee of the heirs of William J. Bates, deceased.

Parties
not affect-
ed there-
by.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any heir at law, devisee, grantee, judgment creditor or mortgagee, in or to the premises herein mentioned.

§ 3. This act shall take effect immediately.

Chap. 32.

AN ACT making appropriations for certain expenses of government, and supplying deficiencies in former appropriations, for the fiscal year ending September thirtieth, eighteen hundred and seventy-six.

Passed February 28, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropri-
ations.

SECTION 1. The Treasurer shall pay on the warrant of the Comptroller, from the general fund, the several sums hereinafter named, which are hereby appropriated to the objects and persons indicated in this act, or such parts thereof as shall be sufficient to accomplish in full the purposes designed by the appropriations: but no warrant shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the Comptroller, who is hereby authorized to determine the same, and to require detailed statements, in items verified by affidavit:

Comptrol-
ler to au-
dit claims.

For deficiency in the appropriations for salaries of certain officers of the government, in pursuance of chapter one hundred and forty-five, laws of eighteen hundred and seventy-five, for the fiscal year ending September thirtieth, eighteen hundred and seventy-six, to wit:

Comptrol-
ler.

For the Comptroller, two thousand six hundred and twenty-five dollars.

Sec. of
State.

For the Secretary of State, one thousand eight hundred and seventy-five dollars.

Treas.

For the State Treasurer, one thousand eight hundred and seventy-five dollars.

Attorney-
General.

For the Attorney-General, two thousand two hundred and fifty dollars.

One Ins.
of State
Prisons.
Court of
Arbitra-
tion.

For one Inspector of State Prisons, three hundred dollars.

For the salary of the Arbitrator of the Court of Arbitration of the Chamber of Commerce, of the State of New York, ten thousand dollars, for the fiscal year ending September thirtieth, eighteen hundred and seventy-six, in pursuance of chapter four hundred and ninety-five, laws of eighteen hundred and seventy-five.

For the salary of the Clerk of the Court of Arbitration of the Chamber of Commerce, of the State of New York, three thousand dollars,

for the fiscal year ending September thirtieth, eighteen hundred and seventy-six, in pursuance of chapter four hundred and ninety-five, laws of eighteen hundred and seventy-five.

For the salary of the late Clerk of the Commission of Appeals, eight hundred and seventy-five dollars, for the quarter ending December thirty-first, eighteen hundred and seventy-five, in pursuance of chapter three hundred and twenty-nine, laws of eighteen hundred and seventy-five. Clerk of Commission of Appeals.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the Comptroller, one thousand five hundred dollars. Office of Comptroller.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the State Engineer and Surveyor, three hundred dollars. Office of State Eng. and Surv.

For repairs, cleaning, labor, gas and other necessary expenses of the Capitol, twenty thousand dollars. But the superintendent of the Capitol shall not incur any expenditures beyond the sum hereby appropriated. Capitol.

For repairs, cleaning, labor, gas and other necessary expenses of the State Hall, three thousand dollars. State Hall.

For repairs, cleaning, labor, gas, fuel and other necessary expenses of the Hall for the State Cabinet of Natural History, including compensation of the keeper, three thousand dollars. State Cabinet.

For the legislative printing for the State, including natural history, binding, mapping, engraving, publication of the official canvass and other official notices, thirty thousand dollars. Legislative printing, etc.

The Comptroller is hereby authorized to pay nine hundred dollars, being interest at six per cent on ten thousand dollars due the widow and heirs-at-law of the late John G. Wasson, upon a certificate issued under chapter eight hundred and thirty, laws of eighteen hundred and sixty-eight, to October first, eighteen hundred and seventy-six, payable semi-annually. Heirs of J. G. Wasson.

The unexpended sum of one thousand one hundred and forty-seven dollars and ninety-three cents, appropriated by chapter six hundred and forty-three, laws of eighteen hundred and seventy-three, for clerk hire in office of the Secretary of State, is hereby reappropriated for the same object. Office of Secretary of State.

For the Executive department for furniture, blank and other books necessary for the use of the department, binding, blanks, printing, stationery, telegraphing and other incidental expenditures, two thousand five hundred dollars. Executive department.

To the following officers of the Senate and Assembly of the year eighteen hundred and seventy-five, who were directed by resolutions of their respective houses to remain and perform services at the Capitol after the close of the session, as follows: Senate and Assembly.

For Elijah Clark, librarian of the Assembly, for fourteen days' service at six dollars per day, eighty-four dollars. E. Clark.

For Duncan Griffin, assistant librarian of the Assembly, for fourteen days' service at six dollars per day, eighty-four dollars. D. Griffin.

For Charles F. Stillwell, assistant postmaster of the Assembly, for fourteen days' service at six dollars per day, eighty-four dollars. C. F. Stillwell.

For Rollin A. Vose, superintendent of express matter of the Assembly, for fourteen days' service at five dollars per day, seventy dollars. R. A. Vose.

For Robert F. McIntyre, mail carrier for the Senate, for fourteen days' service at two dollars per day, twenty-eight dollars. R. F. McIntyre.

To be paid on the certificate of the presiding officer and clerk of the

houses respectively in which such service was performed, stating the number of days actual service and the rate of compensation allowed by law therefor.

§ 2. This act shall take effect immediately.

Chap. 33.

AN ACT to fix the compensation of the overseer of the poor of the town of Rhinebeck in Dutchess county.

Passed February 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensation of overseer of the poor.

SECTION 1. The compensation of every overseer of the poor hereafter elected in the town of Rhinebeck in Dutchess county, shall be one hundred dollars per annum.

§ 2. The said overseers of the poor of the town of Rhinebeck shall not receive any compensation as such officer except the amount allowed by the first section of this act.

§ 3. This act shall take effect immediately.

Chap. 34.

AN ACT to provide for the payment of a portion or the whole of the bounty debt of the county of Greene by issuing new bonds.

Passed February 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payment on bounty debt.

SECTION 1. It shall be lawful for the chairman of the board of supervisors and the treasurer of the county of Greene, to provide for the payment of fifteen thousand dollars of the bounty debt of said county falling due on the first day of March, in the year one thousand eight hundred and seventy-six, by loan upon new bonds as herein provided, instead of the board of supervisors of said county raising the money required therefor by tax. That said chairman and treasurer of said county shall issue coupon bonds executed by the chairman of said board and the treasurer of the county, in the form and manner of the bonds so falling due, of the denomination of five hundred dollars each, drawing interest, payable annually, at seven per cent. per annum, payable on the first day of March, one thousand eight hundred and ninety.

Issue of bonds.

Bonds for debts due after March 1, 1876.

§ 2. It shall be lawful for the board of supervisors of the county of Greene, at any time not exceeding six months prior to the time when any installment or portion of said bounty debt is payable, which shall fall due after the first day of March, one thousand eight hundred and seventy-six, to provide for the payment thereof by loans upon new bonds as herein provided, instead of raising the money required therefor by tax. The said board of supervisors shall issue coupon bonds by the chairman of the said board and the treasurer of the said county, in the form and manner of the bonds so falling due and of the denomination of five hundred dollars each, drawing interest payable annually

at seven per cent. per annum, dated the day the installment they are to pay falls due and payable at such time as said board shall direct, not exceeding fifteen years from their date; but to authorize the issuing of any new bonds provided for in this section it shall be done by resolution of the said board of supervisors when lawfully convened, and be adopted by a vote of two-thirds of all its members, which resolution shall be voted for by yeas and nays, and be entered in the records of the board with the vote thereon.

Authori-
zation for
issue.

§ 3. The county treasurer of said county shall dispose of such bonds upon such terms as shall be most advantageous to such county, but for not less than par, and the money that shall be raised on said bonds shall be applied by the said county treasurer to the payment of the principal of the installment or portion of said bounty debt so falling due, and for no other purpose.

Disposi-
tion of
bonds,
and pro-
ceeds.

§ 4. The said board of supervisors shall cause to be levied by tax, on the taxable property of said county, and collected and paid to said treasurer annually, such sums as may be necessary to pay the interest on the bonds issued under this act; and also, from time to time, shall cause to be levied and collected as aforesaid and paid to said treasurer such sums as may be necessary, to pay said bonds as the same shall fall due, and the treasurer shall apply the moneys so collected and paid to him, to the payment of the interest and principal of said bonds as provided by said board, and for no other purpose.

Tax for
payments.

§ 5. This act shall take effect immediately.

Chap. 35.

AN ACT to extend the time for the collection of taxes in the village of Edgewater, and for advertising the sale of lands for unpaid taxes in said village.

Passed February 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the return of the warrant issued by the board of trustees of the village of Edgewater to James R. Robinson, treasurer of said village, for the collection of taxes, and dated December —, 1875, is hereby extended for thirty days from the return day thereof, and the said treasurer shall have thirty days in addition to the time now provided by law, within which to make and file his return, under oath, of unpaid taxes, and such return, when so made and filed within such extended time, shall be as valid and effectual to all intents and purposes as if made within the time now provided by law; and said treasurer is hereby authorized and empowered, at any time before the first day of May, one thousand eight hundred and seventy-six, to cause the lands and premises, the taxes upon which are so returned unpaid, to be advertised for sale in the manner prescribed by law, and such advertisement and any sale had in pursuance thereof, shall be as valid and effectual to all intents and purposes as if made within the time now prescribed by law.

Time for
return of
warrant.

Return of
unpaid
taxes.

Time for
advertis-
ment.

§ 2. This act shall take effect immediately.

Chap. 36.

AN ACT to enable the electors of the town of Sherburne to vote upon the question of accepting a certain bequest.

Passed February 28, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Accept-
ance of
Rexford
bequest to
town.

SECTION 1. The electors of the town of Sherburne, in the county of Chenango, are hereby empowered to determine, at the next annual town meeting held in said town, in the manner provided by law for the determination of questions upon motions made at town meetings, whether the citizens of said town accept the demise to said town of the Falls properly so called, situated in said town, in which are the ravine of Mad brook, the Falls and Sulphur Spring, which is demised to said town by the will of Nelson C. Rexford, a native of said town, who died March twenty-six, eighteen hundred and seventy-five, and the bequest of one hundred dollars to fence said property, also contained in said will.

If accept-
ed.

§ 2. If the citizens of said town, by a majority vote of the electors voting, accept the said demise and bequest, then the said town shall be seized of the said lands in fee simple, and hold the same for the uses and objects stated in the said will.

§ 3. This act shall take effect immediately.

Chap. 37.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, and the various acts amendatory thereof or relating to the city of Rochester.

Passed March 1, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commis-
sion of
public
works
abolished.

SECTION 1. Sections six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen and nineteen of an act passed May twenty, eighteen hundred and seventy-two, entitled "An act to amend the several acts in relation to the city of Rochester," are hereby repealed, and the office of "commissioner of public works of the city of Rochester" is hereto abolished, but said commissioners shall possess and execute the powers heretofore given them until the first Monday of May, eighteen hundred and seventy-six, except that no ordinance for public improvements or opening of streets shall be passed by said board of public works after the passage of this act, and the repeal by this section directed shall take effect on that day.

SECTION 2. Section one hundred and fifty-five of an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, as heretofore amended, is hereby amended so as to read as follows:

§ 155. There shall be an executive board of said city, which shall consist of six electors and freeholders therein, three of such board shall be chosen by the electors of said city in the same manner as other city officers, at the election to be held in March, eighteen hundred and seventy-six, for terms of one, two and three years respectively, the mayor of said city, during the month of April in said year, shall nominate the other three of said board for terms of one, two and three years respectively, subject to approval by the majority of the common council. In each succeeding year, one of such board shall be elected by the people and one nominated by the mayor during the month of April, subject to approval of the common council, as above provided, for terms of three years. The mayor shall appoint such persons that each of the two chief political parties shall have three members of such board. Any vacancy shall be filled by the mayor as above provided, for the residue of the term, or until a successor can be elected by the people and has qualified. The terms of the members of such executive board shall begin on the first Monday of May, eighteen hundred and seventy-six, and any member shall hold until his successor is appointed, confirmed and qualified. Each of such board shall take the oath of office required of other city officers within five days after being notified of his election or confirmation by the common council, and a failure so to do shall be deemed a refusal to serve. Each of said board shall give a bond in such amount and with such sureties as the common council may approve, conditioned for the faithful performance of his duties. Any of such board may be removed by the common council for official misconduct by a vote of two-thirds of all the members elected to the said council, but notice in writing shall be given of the charges made and he shall have an opportunity of being heard in his defense. The salary of the members of such board shall be fixed by the common council and paid by the city treasurer in the same manner as the salaries of officers elected by the common council. Such executive board shall have the sole power to let all contracts to be made by said city in pursuance of any ordinance, except such as are by law directed to be otherwise made, and shall superintend the execution of the same, and shall have superintendence and control of all work or improvements ordered by the common council, and of paying the same. Such executive board shall, upon the first day of October, eighteen hundred and seventy-six, assume, and thereafter have control of the water-works of said city, and of furnishing the water to citizens, and of the care and repair of such works, and to that end shall have the powers granted to the board of water commissioners of said city by section three of chapter seven hundred and fifty-four of the laws of eighteen hundred and seventy-three, and to that end they may make such rules and regulations, establish such rates and employ such assistance as they may deem proper. Any act of said executive board may be vetoed by the mayor, and any act so vetoed shall be null and void unless repassed by a two-thirds vote of all the members of said board. All moneys received from water rates or the use of water shall, at the close of each day, be paid to the city treasurer, and, after paying the expenses of the charge, care and repair of such works, shall be applied solely to the payment of the interest and principal of the water-works bonds of said city. No moneys shall be paid out of such receipts save on a vote of a majority of such executive board, and on an order drawn by its clerk and approved by the mayor. Such executive board shall have control of the fire department of said city and of the care and expenses thereof, and is hereby vested with the powers heretofore vested in the common

Executive board created.

Vacancies in board.

Oath of office, and bonds.

Members may be removed.

Salaries.

To let contracts.

Care of water-works.

Mayor's veto.

Water rates.

To control fire department.

Local im-
prove-
ments.

Quorum.
May em-
ploy as-
sistance.
Clerk.

Estimate
of ex-
penses.
Raising of
money.
Money,
how paid.

Members
of board
to devote
their en-
tire time
to duties
of office,
and report
monthly,
etc.

Records.
To assume
control.

Members
of board,
and offi-
cers there-
of not to
be inter-
ested in
contracts,
etc.

Superin-

council of said city by sections two hundred and nineteen, two hundred and twenty-two and two hundred and twenty-three of this act, except that no fire-engine shall be purchased or sold and no engine-house built except by a resolution of the common council. Said board shall have control of the construction, improvement, repair and cleaning of streets, alleys, avenues, sewers and bridges, except the bridges owned by the State of New York, for the repair of which, or any damages in any way arising from which the city shall not be liable, and shall have control of the expenditure of the funds therefor; but whenever the expense of any such work or improvement shall require to be defrayed by a local assessment, the common council of said city shall alone have power to pass any ordinance therefor, subject to the veto of the mayor, as hereinbefore provided, and in the manner and subject to the restrictions established by the charter of said city, as hereby amended. A majority of said executive board shall constitute a quorum for any purpose. Said board may employ such assistance and establish such by-laws for its meetings and proceedings as it may see fit. Such board shall elect one of its own members as its clerk, who shall receive no additional compensation for his services. On or before the first day of June in each year said board shall present to the common council a statement of the moneys needed by it for the fiscal year, specifying the purposes for which it shall be used. It shall be the duty of the common council to raise the sums so reported in the same manner as other general city taxes. All moneys paid under the order of such executive board shall be paid by virtue of an order on the treasurer of the city, drawn by the clerk of said board, under a resolution which must receive a vote of the majority of all the members of said board and be approved by the mayor of the city. The members of such board shall give their entire time to the duties of the office, and shall make monthly reports to the common council of all work done, contracts let and expenses incurred. They shall keep a record of their proceedings and of all receipts and expenditures, which shall be published in at least one daily paper in said city.

§ 3. On said first Monday of May, eighteen hundred and seventy-six, said executive board shall assume control of all work, contracts, moneys or matters begun or controlled by the commissioners of public works of the city of Rochester, and which shall rightfully belong to said executive board, under the authority hereby granted. On said day all authority, rights and duties heretofore possessed by said commissioners of public works, except such as are hereby conferred upon the executive board of said city, shall vest in and be thereafter exercised by the common council of said city, to be performed and possessed in the same manner, as near as may be, as heretofore performed by said commissioners, except as herein otherwise directed.

§ 4. No member of said executive board, nor any clerk or agent thereof, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is to be paid from the city treasury, nor in the purchase of any property for or on account of the city, or which shall be sold by or on behalf of said city. Any contract, sale or purchase in which any such person above named shall be interested, shall be absolutely void. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both.

§ 5. Said executive board may appoint a superintendent of streets,

who shall hold office at its pleasure, the salary of such superintendent shall be fixed by the common council. tendent of streets.

§ 6. Section sixty-one of said act is hereby amended so as to read as follows:

§ 61. It shall be the duty of the superintendent of streets to superintend, under the general direction of the executive board, all work to be done, or ordered upon or in relation to any of the public streets, parks, walks, bridges, sewers, pumps or reservoirs of said city, and to perform, under the direction of said board, such other duties as are by law imposed upon him. If no superintendent of streets shall be appointed, then all powers and duties by this act, given and imposed upon him, shall belong to, and be performed by, the executive board of said city. His duties.
When none appointed.

§ 7. Section one hundred and sixty-five of said act is hereby amended so as to read as follows:

§ 165. Before the common council shall determine to make any such public improvement, they shall cause an estimate thereof to be made, and shall, by an entry in their minutes, describe the portion and part of the city which they deem proper to be assessed for the expense of such improvement. They shall cause a notice to be published daily in one or more daily newspapers printed in the city of Rochester, for four days, which notice shall specify such improvement, the estimated expense thereof, and the portion or part of the city to be assessed for such expense; and shall require all persons interested in the subject-matter of such improvement to attend the said council at the time appointed in such notice. At the time appointed in such notice, the said council shall proceed to hear the allegations of the owners and occupants of houses and lots situate within the portion or parts of the city so described as aforesaid, and after hearing the same, shall make such further order in respect to such improvement as they shall deem proper. Said executive board is hereby directed to cause a notice to be published in one or more of the official papers of said city, at least ten days before the letting of any contract, for sealed proposals therefor, each to be accompanied by a bond signed by at least two responsible sureties, conditioned that the person making such bid, if it is accepted, will perform the work mentioned in such proposals and fulfill any contract that may be made with him; such bids shall be opened on the day named in such notice. Said board may let any contract as it deems for the best interests of tax payers, but it shall publish all bids received by it, and the persons to whom contracts are awarded. Neither the principal or sureties on any bid or bond shall have the right to withdraw or cancel the same, until the board shall have let the contract for which such bid is made and the same shall have been duly executed. No contract shall be let for any improvement at a price greater than the estimate thereof made, as aforesaid. Common council, and public improvements.
Letting of contracts.

§ 8. Whenever the words "commissioners of public works" occur in the charter of the city of Rochester, they shall be struck out and the words "the common council" shall be inserted in the place thereof, except as herein otherwise provided.

§ 9. Section one hundred and sixty-four of said act is hereby amended so as to read as follows:

§ 164. The common council shall not open or widen any street or alley, or make or ordain any work or improvement, the expense whereof is to be defrayed in whole or in part by a local assessment except upon a petition of a majority of the owners of property to be assessed therefor, unless three-fourths of all the members elected to said common council vote therefor, after allegations have been heard. No improve- Local assessments for improvements.

When
improve-
ments cov-
ered by
letters
patent.

ment which shall be covered by letters patent shall be adopted, except upon the petition of two-thirds of all the owners of property to be assessed therefor.

§ 10. Section six of said act is hereby amended so as to read as follows:

Officers of
city gov-
ernment.

§ 6. The officers of said city shall be one mayor, one treasurer, two aldermen for each ward until the first Monday in April, eighteen hundred and seventy-seven, and one alderman from each ward thereafter, one police justice, three justices of the peace, one constable for each ward, one supervisor for each ward, three inspectors of election for each ward or election district, one commissioner of schools for each ward, all to be elected by the electors of said city, by ballot, as hereinafter provided, one city clerk, one city attorney, one overseer of the poor, three assessors, one sealer of weights and measures, one city surveyor, one chief of the police, one chief engineer and one fire marshal, to be appointed as hereinafter provided, and such other officers as are by this act or the laws of this State authorized. There shall be an election for aldermen in the year eighteen hundred and seventy-six, to hold office for one year, but at the election to be held in March, eighteen hundred and seventy-seven, an alderman to hold office for two years shall be chosen from each of the wards having an even number, and an alderman to hold office for one year from each ward having an odd number, and thereafter aldermen shall be elected for two years, as the terms expire of those elected for the respective wards.

Election
of alder-
men.

§ 11. Subdivision four of section twelve of said act is hereby amended so as read as follows:

Police
commis-
sioners.

4. The said commissioners of police, when entering upon the duties of their office respectively, shall take upon themselves the usual oath of office, and shall meet at the mayor's office or other suitable place, at such times as may be expedient, and as they shall from time to time designate, and on special occasions, as the mayor may appoint in writing, notice of which shall be served on such commissioners personally, or be left at the place of residence or business of such commissioners respectively; and if any of said commissioners should be elected to and accept the office of mayor, then the common council shall proceed, as in the case of vacancy, except in case of re-election of the mayor; and no alderman shall be eligible for appointment to the office of police commissioner, and any commissioner except the mayor, who shall be publicly nominated for or appointed to any political office, and shall not, within ten days after being notified thereof, publicly decline the same, shall be deemed to have vacated his office of said commissioner. The said commissioners of police, other than the mayor, shall receive an annual salary of five hundred dollars, to be paid quarterly out of the current expenses of the police department, the same to begin at the commencement of the official year in which this act shall be passed, except those now holding such office shall receive the same salary as heretofore during the residue of their term.

When one
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mayor.

Aldermen
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missioner.

Office of
commis-
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Salaries
of com-
mission-
ers.

§ 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 13. This act shall take effect immediately.

Chap. 38.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns in the county of Cattaraugus.

Passed March 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector or receiver of taxes, in any town in the county of Cattaraugus, in the State of New York, shall pay over all moneys collected by him, and shall renew his bond as is herein provided, the time for the collection of taxes and for making return thereof by him shall be and is hereby extended to the fifteenth day of March, eighteen hundred and seventy-six. Such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof. The penalty thereof, in any case, shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is.

Time for collection of taxes extended.

Bond of collector to be renewed.

Copy of bond to be delivered to county treasurer.

§ 2. It shall be the duty of the Secretary of State, immediately after the passage of this act, to cause it to be printed upon slips of paper and delivered to the county treasurer of Cattaraugus county, a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof to each collector or receiver of taxes in said county.

Collectors and receivers of taxes to be notified.

§ 3. This act shall take effect immediately.

Chap. 39.

AN ACT to extend the time for the collection of taxes in the county of Livingston.

Passed March 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes, now levied and uncollected in the county of Livingston, is hereby extended to the first day of April, eighteen hundred and seventy-six, provided that the collectors of the several towns of said county shall pay over to the county treasurer of said county all the money collected by them, and renew their bonds with sureties to the satisfaction of the supervisors of their respective towns, and in such case the warrants shall continue in full force and effect until the said first day of April.

Time for collection of taxes extended.

Bond of collector to be renewed.

§ 2. This act shall take effect immediately.

When
improve-
ments cov-
ered by
letters
patent.

ment which shall be covered by letters patent shall be adopted, except upon the petition of two-thirds of all the owners of property to be assessed therefor.

§ 10. Section six of said act is hereby amended so as to read as follows:

Officers of
city gov-
ernment.

§ 6. The officers of said city shall be one mayor, one treasurer, two aldermen for each ward until the first Monday in April, eighteen hundred and seventy-seven, and one alderman from each ward thereafter, one police justice, three justices of the peace, one constable for each ward, one supervisor for each ward, three inspectors of election for each ward or election district, one commissioner of schools for each ward, all to be elected by the electors of said city, by ballot, as hereinafter provided, one city clerk, one city attorney, one overseer of the poor, three assessors, one sealer of weights and measures, one city surveyor, one chief of the police, one chief engineer and one fire marshal, to be appointed as hereinafter provided, and such other officers as are by this act or the laws of this State authorized. There shall be an election for aldermen in the year eighteen hundred and seventy-six, to hold office for one year, but at the election to be held in March, eighteen hundred and seventy-seven, an alderman to hold office for two years shall be chosen from each of the wards having an even number, and an alderman to hold office for one year from each ward having an odd number, and thereafter aldermen shall be elected for two years, as the terms expire of those elected for the respective wards.

Election
of alder-
men.

§ 11. Subdivision four of section twelve of said act is hereby amended so as read as follows:

Police
commis-
sioners.

4. The said commissioners of police, when entering upon the duties of their office respectively, shall take upon themselves the usual oath of office, and shall meet at the mayor's office or other suitable place, at such times as may be expedient, and as they shall from time to time designate, and on special occasions, as the mayor may appoint in writing, notice of which shall be served on such commissioners personally, or be left at the place of residence or business of such commissioners respectively; and if any of said commissioners should be elected to and accept the office of mayor, then the common council shall proceed, as in the case of vacancy, except in case of re-election of the mayor; and no alderman shall be eligible for appointment to the office of police commissioner, and any commissioner except the mayor, who shall be publicly nominated for or appointed to any political office, and shall not, within ten days after being notified thereof, publicly decline the same, shall be deemed to have vacated his office of said commissioner. The said commissioners of police, other than the mayor, shall receive an annual salary of five hundred dollars, to be paid quarterly out of the current expenses of the police department, the same to begin at the commencement of the official year in which this act shall be passed, except those now holding such office shall receive the same salary as heretofore during the residue of their term.

When one
is elected
mayor.

Aldermen
not eligi-
ble as po-
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missioner.

Office of
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sioner
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Salaries
of com-
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ers.

§ 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 13. This act shall take effect immediately.

Chap. 38.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns in the county of Cattaraugus.

Passed March 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector or receiver of taxes, in any town in the county of Cattaraugus, in the State of New York, shall pay over all moneys collected by him, and shall renew his bond as is herein provided, the time for the collection of taxes and for making return thereof by him shall be and is hereby extended to the fifteenth day of March, eighteen hundred and seventy-six. Such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof. The penalty thereof, in any case, shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is.

Time for collection of taxes extended.

Bond of collector to be renewed.

Copy of bond to be delivered to county treasurer.

§ 2. It shall be the duty of the Secretary of State, immediately after the passage of this act, to cause it to be printed upon slips of paper and delivered to the county treasurer of Cattaraugus county, a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof to each collector or receiver of taxes in said county.

Collectors and receivers of taxes to be notified.

§ 3. This act shall take effect immediately.

Chap. 39.

AN ACT to extend the time for the collection of taxes in the county of Livingston.

Passed March 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes, now levied and uncollected in the county of Livingston, is hereby extended to the first day of April, eighteen hundred and seventy-six, provided that the collectors of the several towns of said county shall pay over to the county treasurer of said county all the money collected by them, and renew their bonds with sureties to the satisfaction of the supervisors of their respective towns, and in such case the warrants shall continue in full force and effect until the said first day of April.

Time for collection of taxes extended.

Bond of collector to be renewed.

§ 2. This act shall take effect immediately.

Chap. 40.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Hornellsville," passed April ninth, eighteen hundred and sixty-seven, and the several acts amendatory thereof.

Passed March 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter two hundred and eighty-eight of the laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Division
of village
into
wards.

§ 3. The said village of Hornellsville is hereby divided into six wards, as follows: The first ward shall include all of said village north of Canacadea creek. The second ward, all of said village lying between said creek and Main street and the Canisteo river. The third ward, all of said village lying between Main street and the Erie railway and east of Canisteo street, and west of the Canisteo river and River street. The fourth ward, all of said village lying south of Main street and Canacadea creek, west of Canisteo street and north of Crosby creek road. The fifth ward, all of said village lying between the Erie railway and Canisteo street and south of Crosby creek road. The sixth ward, all of said village lying east of the Canisteo river and east of the Erie railway, and south of River street, between the Canisteo river and the Erie railway.

§ 2. Section three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy-five, is hereby amended so as to read as follows:

§ 3. Section twenty-six of said act is hereby amended so as to read as follows:

Duties of
trustees.

Clerk of
board to
record
votes on
motions
and reso-
lutions.

Eight trust-
ees to
concur in
certain
resolu-
tions.

Tax lists,
assess-
ment rolls
and war-
rants to
be made
in dupli-
cate.

Sixth
ward to
hold elec-
tion for
trustees.

§ 26. The trustees can only transact business as a board sitting in public, at least eight trustees and the president being present, and all their acts shall be entered in the journal of the village. The clerk of said board shall, in all cases, enter in the record of the proceedings of the trustees, the names of all trustees voting on any resolution or motion, and how each voted. The concurrence of eight trustees is required to pass any order or resolution which necessarily involves the payment of any money, or the appropriation of any money or property of the village, or any assessment upon lots, for sidewalks or streets, or laying out or altering any street, or declaring a nuisance and directing its removal or abatement. The concurrence of a majority of the members of the board present is sufficient for any other act.

§ 3. All tax-lists, assessment rolls and warrants for the levying and collection of taxes in said village, shall be made in duplicate, one copy of which shall be filed with the clerk of said village before said tax-list and warrant is delivered to the collector of said village.

§ 4. The sixth ward of said village of Hornellsville, shall hold an election for the present year on the same day as the charter election of said village, at which time two trustees shall be elected from said ward. The term of office of one shall be one year, and the term of office of the second shall be two years, and said election for said sixth ward, for the present year, shall be held without the notice required by the charter of said village.

§ 5. This act shall take effect immediately.

Chap. 41.

AN ACT to legalize and confirm all acts and proceedings of the persons elected as trustees of the village of Nelsonville, in the county of Putnam, during their respective terms of office.

Passed March 6, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings of persons elected and acting as the trustees of the village of Nelsonville, Putnam county, since the passage of an act entitled "An act to amend an act for the incorporation of villages," passed April twentieth, in the year of our Lord eighteen hundred and seventy, are hereby confirmed and rendered as valid as if such persons had duly qualified by taking the oath of office as such before a justice of the peace of said county. Acts of trustees confirmed.

§ 2. Nothing herein contained shall affect any action or proceeding now pending in any court of this State.

§ 3. This act shall take effect immediately.

Chap. 42.

AN ACT to authorize the trustees of the village of Nelsonville, Putnam county, to qualify as such.

Passed March 6, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The persons elected as trustees of the village of Nelsonville, Putnam county, at the annual election held in said village on the second day of March, eighteen hundred and seventy-five are hereby authorized to qualify by taking the oath of office, as such, before any justice of the peace of said county, within ten days after the passage of this act, with like effect as if they had qualified by taking such oath within the time prescribed by law. Trustees to qualify.

§ 2. Nothing in this act contained shall affect any act or proceeding now pending in any court of this State.

§ 3. This act shall take effect immediately.

Chap. 43.

AN ACT to authorize the extension of the time for the collection of taxes in the town of Geneva.

Passed March 8, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If the collector of the town of Geneva shall pay over all moneys collected by him and shall renew his bond as herein provided,

Time for
collection
of taxes
extended.

the time for the collection of taxes and for making return thereof, by him shall be and is hereby extended to the twenty-fifth day of March eighteen hundred and seventy-six. Such bond shall be renewed with such sureties as shall be approved by the supervisor of Geneva; or in case of his absence, or inability to act by the town clerk thereof. The penalty thereof, shall be double the amount of taxes remaining uncollected. The bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall, within ten days after the passage of this act, be delivered to the county treasurer of the county of Ontario.

Bond to
be renew-
ed.

§ 2. This act shall take effect immediately.

Chap. 44.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan," passed April twenty-first, eighteen hundred and sixty-four, and as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and seventy-three.

Passed March 8, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title two, section one, of the act entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan," passed April twenty-first, eighteen hundred and sixty-four; and also title two, section one of chapter one hundred and ninety-one of the laws of eighteen hundred and seventy-three amending the same, passed April ninth, eighteen hundred and seventy-three, is hereby amended so as to read as follows: Title two, section one.

Officers.

The officers of the village shall be a president, six trustees, one clerk, one treasurer, three assessors, one street commissioner, one police constable, one collector, three fire wardens, one pound-master, one sexton or keeper of the burial grounds belonging to the corporation, one chief engineer, two assistant engineers, and a secretary, who shall also act as treasurer of the fire department. The president, trustees, treasurer, assessors, collectors, constable, and engineers and secretary of the fire department shall be elected by ballot by the electors of said village.

Officers to
be elected.

§ 2. Section ten of said title is hereby amended and made to read as follows: The board of trustees shall, at its first meeting in each year or as soon thereafter as convenient, and as often as a vacancy shall occur, appoint a clerk, one street commissioner, three fire wardens, one pound master, and one sexton or keeper of the burial grounds and such other appointed officers as shall be authorized by this act, and prescribe their duties.

Officers
appoint-
ed.

§ 3. This act shall take effect immediately.

Chap. 45.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," passed February twenty-eighth, eighteen hundred and seventy-three.

Passed March 9, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-two of the act entitled "An act to provide for a supply of water in the city of Yonkers," passed February twenty-eighth, eighteen hundred and seventy-three, and known as chapter thirty-six of the laws of eighteen hundred and seventy-three, is hereby further amended so as to read as follows:

§ 22. Prior to the introduction of water into the city for general use, the common council shall levy and assess upon the real and personal property of the city liable to taxation, the amount of interest due or to become due during the ensuing year, upon the water bonds issued in pursuance of this act, provided, however, that no tax shall be levied upon the taxable property in said city outside of the water district hereinafter provided for, to pay any such interest falling due after the year eighteen hundred and seventy-six. The entire annual income from all sources, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and of managing and using the same, and all other necessary expenses, shall be applied toward the payment of the interest on the loans and toward the creation of a sinking fund for the payment of the principal of the loans as it shall from time to time become due and payable, which sinking fund shall be managed by said commissioners. After the introduction of water into the city for general use, said board of water commissioners shall annually, on the first Monday of December in each year, report to the common council the amount of moneys received by them from all sources, and the payments made by them for the support and maintenance of the water-works during the preceding year, and shall pay over to the treasurer of the city of Yonkers the balance remaining in their hands, to be applied by him to the payment of interest on the water bonds. In case the amount so reported and paid by the water commissioners should not be sufficient to pay the interest on the water bonds for the ensuing year, then the difference required to meet said interest shall be assessed by the common council of the city of Yonkers, on, and become a lien upon and be collected from, the real property in front of and near which water-pipes shall be laid within the district to be supplied by water, the boundaries of which district shall from time to time be fixed by the common council, and shall be known as the water district. The assessors of said city of Yonkers shall annually make an assessment roll of said real property in said water district for the use of the common council in assessing, levying and collecting said water tax which shall be assessed, levied and collected in the same manner as near as may be, as is or may be prescribed by the charter of the city of Yonkers, for the assessment, levying and collecting of taxes within said city, but the same shall be assessed and collected by and upon a separate assessment roll, and by a separate warrant, and by sep-

Introduc-
tion of
water into
the city.

Income
from
water-
works.

Water
commis-
sioners to
report.

Water
bonds,
how paid.

Water
taxes.

arate proceedings from the collection of general taxes; and the same proceedings shall be had by the common council for the sale of lands for the non-payment of any such water tax as is or may be prescribed in said charter for the sale of lands for non-payment of taxes.

§ 2. This act shall take effect immediately.

Chap. 46.

AN ACT to authorize the common council of the city of Brooklyn to establish and maintain public baths in said city.

Passed March 9, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Public
baths.

Keeper of.

SECTION 1. The common council of the city of Brooklyn are hereby authorized, in their discretion, to establish and maintain in the city of Brooklyn, two or more public baths, as they may deem necessary; to make and establish suitable rules and regulations for the management of the same; to appoint a keeper or keepers thereof, and to fix his or their salary.

Certifi-
cate of
indebted-
ness for
expenses.

Redemp-
tion of cer-
tificate.

§ 2. For the purpose of raising the money necessary to defray the expenses to be incurred, the total amount of which shall not exceed twenty-five thousand dollars, the mayor, comptroller and city clerk, are hereby authorized and directed to issue a certificate of indebtedness, bearing interest at the rate of seven per cent. per annum, payable on the first of January, eighteen hundred and seventy-seven. The joint board of aldermen and supervisors are directed to include the amount of money necessary for the redemption of such certificate in the next annual tax levy.

Expenses
for main-
tenance.

§ 3. There shall be levied upon the city at large, and collected annually, a sum of money not exceeding three thousand dollars in any one year, for the purpose of defraying the expenses to be incurred for the proper and efficient maintenance of such baths, and to pay the salary of the keeper or keepers thereof.

§ 4. This act shall take effect immediately.

Chap. 47.

AN ACT to amend chapter eighty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of Grass river and of the water-power thereon, and to check freshets therein," passed March thirty-first, eighteen hundred and sixty-nine.

Passed March 9, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of an act entitled "An act to provide for the improvement of Grass river and the water-power thereon, and to

check freshets therein," passed March thirty-first, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 8. Whenever said appraisers shall make any assessment as aforesaid, a copy of their assessment roll shall be left for inspection by all persons interested, with each of said appraisers, and upon the completion of any assessment, the said appraisers shall immediately give notice by advertisement in all the newspapers published in said county, or in at least three such newspapers, once a week in each paper, for three weeks, and shall also notify each person whose property is assessed, by depositing in the post office, a printed, or written notice, or circular, addressed to him, and the postage thereon paid, which advertisement and notice shall specify where copies of the said assessment may be found, and at what place and time, not less than four weeks from the first publication of said advertisement, the said appraisers will meet to review the said assessment; at which time and place said appraisers shall attend and hear all persons considering themselves aggrieved, for which purpose they may adjourn from day to day, and, if necessary, from place to place, and shall review their said assessments, and amend and perfect the same, and shall then file a certified copy thereof, in the county clerk's office of said county. Any person assessed may, within twenty days after the filing of said certified copy of said assessment, appeal to the county judge of said county, whose duty it shall be, to fix a time and place for hearing such appeal, of which the party applying for such hearing, shall give the other party at least eight days' notice in writing. On the hearing of such appeal, it shall be the duty of the said county judge, thoroughly to examine and review the findings, or assessments of said appraisers, so appealed from, and the principles upon which they have been made, and to affirm or amend and revise the same in whole, or in part, and for that purpose he shall have power to examine witnesses upon oath, in reference to the subject of appeal, and to compel their attendance by subpoena, and his decision, which shall be made in writing and filed in the county clerk's office of said county, shall be, in every such case final and conclusive, and all assessments provided for by this act shall be upon the basis as fixed by the said board of appraisers, as affirmed or amended, and revised by the county judge. If the county judge of said county has been counsel for any of the parties interested in such appeal, or if from any cause said judge would be disqualified from sitting in a civil action, he shall be disqualified from hearing any such appeal, and shall, after such appeal is taken, and before a hearing upon the merits, certify such appeal to the special county judge of said county, who shall thereupon have jurisdiction, and hear and determine the same, and from the time such certificate is made and filed with him, shall have the same power and authority as is given by this act to said county judge, and shall proceed in the same manner as such county judge could have proceeded except for such disqualification and certificate. Said act as hereby amended shall apply to appeals now pending.

§ 2. This act shall take effect immediately.

Appraisers to make assessments.

Persons aggrieved.

Appeals from assessment.

County judge to decide appeals.

His decision final, and to be filed.

In case of disqualification of county judge.

Appeals now pending.

Chap. 48.

AN ACT to repeal chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-four, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester."

Passed March 9, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-four, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Westchester," is hereby repealed, but nothing herein contained shall in any way affect any action, proceeding, or indictment now pending in any court of this State, and as to such action, proceeding or indictment, or any thing pertaining thereto, said act shall remain in as full force in every respect as though this act had not been passed.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT in relation to the equalization of assessments, under chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, and the amendments thereto.

Passed March 10, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State Assessors, and appeals from decisions of supervisors.

SECTION 1. It shall be the duty of the State Assessors to prepare a form of petition and notice of appeal from decisions of boards of supervisors, in the equalization of assessments in their respective counties, and also to prepare rules and regulations in relation to bringing such appeals and the hearing or trial thereof, which shall be submitted to the Comptroller for his approval, and when so approved shall be the forms, rules and regulations of said board of State Assessors, and be filed in the office of the Comptroller.

Appeals, where heard.

§ 2. Every such appeal duly brought shall be heard by said board in the county in which such appeal originated, at a time and place to be fixed by said board, and they shall notify the supervisor of the town, ward or city appealing, by mail, of the time and place so fixed upon, at least twenty days prior thereto. In case the appellant or his successor fails to appear and produce evidence to sustain the appeal at the time and place appointed, or on the day to which such hearing or trial shall have been adjourned, if an adjournment shall have been had, said State Assessors shall make an order dismissing said appeal as not sustained, which shall have the same effect in all respects as if said appeal had not been sustained after a trial or hearing on the merits on evidence.

Dismissal of appeals.

§ 3. On every such hearing or trial, the evidence shall in part relate to the assessment and full and true value of real and personal property, and the said State Assessors shall determine whether or not injustice has been done to the town, ward or city, so appealing, in the equalization of real and personal property assessed therein, as compared with the other wards, towns or cities of said county, and shall determine whether any, and if any, what deductions ought to be made from the aggregate corrected valuation of said real and personal property, as made by the board of supervisors, and shall also determine to what town or towns, ward or wards, city or cities, in such county said deductions, if any, shall be added and shall certify their determination in writing to said board of supervisors and forward the same by mail within ten days thereafter, to the clerk of said board of supervisors, directed to him at his post-office address.

Nature of evidence.

State Assessors to determine appeals.

§ 4. The provisions of this act shall apply to all appeals, pending and undetermined at the time of its passage.

Appeals pending not affected.

§ 5. All laws inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 50.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

Passed March 10, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of title nine of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

§ 2. Whenever such district shall correspond wholly or in part with an incorporated village, in which there shall be published a daily or weekly newspaper, the notice aforesaid shall be given by posting at least five copies thereof, severally, in various conspicuous places in said district, at least twenty days prior to such meeting, and by causing the same to be published once a week for three consecutive weeks before such meeting, in all the newspapers published in said district. In other districts the said notice shall be given by posting the same as aforesaid, and in addition thereto, the trustees of such district shall authorize and require any taxable inhabitant of the same, to notify every other inhabitant (qualified to vote as aforesaid), of such meeting, to be called as aforesaid, who shall give such notification in the manner and subject to the penalty prescribed in the case of the formation of a new school district by title seven of this act.

Formation of union free schools in incorporated villages.

In other districts.

§ 2. Section five of said title nine is hereby amended so as to read as follows:

§ 5. Any such meeting, held as aforesaid, shall be organized by the appointment of a chairman and secretary, and may be adjourned from

Meetings, how organized.

May be
adjourned
ten days.

Majority
vote to de-
termine as
to union
free
schools.

Election
of trus-
tees, and
term of
service.

Board of
educa-
tion, how
consti-
tuted.

Copies of
proceed-
ings to be
certified
and filed.

time to time, by a majority vote, provided that such adjournment shall not be for a longer period than ten days, and whenever any such meeting, at which not less than fifteen persons entitled to vote thereat, shall, by the affirmative vote of a majority present and voting, determine to establish a union free school in said district, pursuant to such notice, it shall thereupon be lawful for such meeting to proceed to the election, by ballot, of not less than three, nor more than nine trustees, who shall, by the order of such meeting, be divided into three several classes; the first to hold until one, the second until two, and the third until three years from the second Tuesday in October coincident with or following, except in the cases in the next section provided for; and when the trustees so elected shall enter upon their office, the office of any existing trustee or trustees shall cease, except for the purposes stated in section eleven of title six of this act. The said trustees and their successors in office shall constitute the board of education of, and for the union free school district for which they are elected, and the designation of such district as union free school district number —, of the town of —, shall be made by the school commissioner having jurisdiction of the district; and the said board shall have the name and style of the board of education of — (adding the designation aforesaid); copies of said call, minutes of said meeting or meetings, duly certified by the chairman and secretary thereof, shall be by them, or either of them, transmitted and deposited, one to and with the town clerk, one to and with the school commissioner or commissioners in whose jurisdiction said districts are located, and one to and with the Superintendent of Public Instruction; but when at any such meeting, the question as to the establishment of a union free school shall not be decided in the affirmative as aforesaid, then all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with, and no such meeting shall be again called within one year thereafter.

§ 3. This act shall take effect immediately,

Chap. 51.

AN ACT to extend the time for the collection of taxes in the town of Scio, in the county of Allegany.

Passed March 10, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
collection
of taxes
extended.

Bond to be
renewed.

Payment
of State
tax to
Comptrol-
ler not
deferred.

SECTION 1. The time for the collection of taxes in the town of Scio, in the county of Allegany, is hereby extended to the first day of May, eighteen hundred and seventy-six, provided, however, that within ten days after the passage of this act, the collector of the said town shall pay over all money already collected, and execute an official bond to the satisfaction of the supervisor of the said town of Scio. But nothing herein contained shall be construed as extending the time for the payment of the State tax, or any part thereof, by the county treasurer of said county to the Comptroller, as now provided by law.

§ 2. This act shall take effect immediately.

Chap. 52.

AN ACT to confirm a deed from the Central Baptist Church, Poughkeepsie, to the Baptist Church of Christ of Poughkeepsie.

Passed March 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The deed bearing date the sixteenth day of September, in the year one thousand eight hundred and sixty-seven, executed by the Central Baptist Church, Poughkeepsie, by Matthew Vassar, Jr., and others, the trustees of said church, to the Baptist Church of Christ of Poughkeepsie, and recorded in Dutchess county clerk's office, in liber one hundred and forty-one of deeds, page six hundred and fourteen, is hereby confirmed and declared valid, and shall have the same effect for all purposes as if it had been at its date duly authorized by legislative authority; and such confirmation shall inure for the benefit of all subsequent grantees and mortgagees of the whole or any part of the premises described in said deed.

§ 2. This act shall take effect immediately.

Chap. 53.

AN ACT to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes."

Passed March 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes," is hereby amended so as to read as follows, viz.:

§ 1. Any five or more persons of full age, citizens of the United States, and a majority of whom are also citizens of this State, who desire to form themselves into a society or club for social, mutual benefit, benevolent, temperance, political, economic, patriotic, gymnastic, athletic, military drill, musical, dramatic, historical, literary, library, artistic, yachting, hunting, fishing, bathing or lawful sporting purposes, may sign and acknowledge, before any officer authorized to take the acknowledgment of deeds in this State, and to file in the office of the Secretary of State, and also in the office of the clerk of the county in which the office of such society or club shall be situated, a certificate, in writing, in which shall be stated the name or title by which such society shall be known in law; the particular business and object of such society or club; the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers for the first year of its existence; but such certificate shall not be filed

Formation of societies.

Certificates of association, where filed.

Consent of
justice of
supreme
court nec-
essary.

unless by the written consent and approbation of one of the justices of the Supreme Court of the district in which the principal office of such society or club shall be located, be indorsed on such certificate; but nothing in this act contained shall authorize the incorporation of any society or club for any purpose repugnant to any statute of this State, or prohibited thereby.

§ 2. This act shall take effect immediately.

Chap. 54.

AN ACT to provide for the reporting of persons in the various State benevolent institutions of this State.

Passed March 14; 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Officers of
State be-
nevolent
institu-
tions to
report
yearly.

SECTION 1. It shall be the duty of the superintendent, warden or other proper officer in charge of each of the benevolent institutions of this State, in which are persons whose maintenance, treatment, tuition or clothing is a charge against any county of this State, to make a report on or before the fifteenth day of September, in each year, to the clerk of the board of supervisors of the county to which such maintenance, treatment, tuition or clothing is chargeable, which report shall show the name, age, sex, color and nationality of every person in such institution, chargeable to such county; also, when each person was received into such institution, from what town sent, for what term received, to what time the expense of each such person has been paid, and the amount chargeable to such county for each such person for the ensuing year, which report shall be verified by the oath or affirmation of the person making the same.

§ 2. This act shall take effect immediately.

Chap. 55.

AN ACT to amend chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-five, entitled "An act to further amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled 'An act to incorporate the city of Newburgh;' also to amend chapter five hundred and fifty-one of the laws of eighteen hundred and seventy-two, entitled 'An act to amend an act entitled 'An act to incorporate the city of Newburgh.'"

Passed March 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-five, entitled "An act to further amend chapter five hundred and forty-one of the laws of

eighteen hundred and sixty-five, entitled 'An act to incorporate the city of Newburgh;' also to amend chapter five hundred and fifty-one of the laws of eighteen hundred and seventy-two, entitled 'An act to amend an act entitled 'An act to incorporate the city of Newburgh,''' is hereby further amended so as to read as follows:

§ 5. Section three of title four of said act as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

§ 3. The supervisors and collectors provided for by this act shall have the same powers and duties as supervisors and collectors in any town in the county of Orange, except as otherwise provided in this act, and the said supervisors shall be members of the board of supervisors of the county of Orange. The said supervisors shall each receive from the county of Orange the same compensation as supervisors of towns in said county, and from the city of Newburgh such additional sum as will make the annual compensation of each supervisor now in office, or hereafter to be elected, for all services, equal to the sum of three hundred dollars.

Supervisors and collectors, powers and duties of.

Compensation of supervisors.

§ 2. This act shall take effect immediately.

Chap. 56.

AN ACT to amend chapter six hundred and thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village."

Passed March 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter six hundred and thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the appointment of a recorder and collector in the village of Plattsburgh, and to provide for the pavement of certain streets in said village, is hereby amended so as to read as follows:

§ 8. Such recorder shall not have jurisdiction to try civil actions, except such as are brought to recover a fine, penalty or forfeiture for the violation of any of the provisions of the act entitled "An act to amend an act incorporating the village of Plattsburgh, and the several acts amendatory thereof, and to extend the powers of the corporation of said village," passed April thirteen, eighteen hundred and fifty-nine, and the acts amendatory thereof, or of some by-law or ordinance of said village. Every such action shall be brought in the recorder's court in the name of the corporation, and commenced as provided by law. If judgment be given against the defendant in such action, execution may be issued thereon immediately, and shall require, if the officer to whom it is issued cannot find goods or chattels of the defendant whereof to satisfy such execution, that the defendant be imprisoned in the county jail for a term in said execution to be mentioned, not exceeding thirty days; and such execution may, in the discretion of the recorder, also require that the defendant be subject, during said term, to work upon the streets or public works of said village, or of

Jurisdiction of recorder.

Actions in name of the corporation.

Judgments how enforced.

Sentence
of persons
guilty of
crime.

Appeals
to county
court.

said town of Plattsburgh, for the benefit of said corporation or said town, under such superintendence and restraint as said recorder may deem advisable. And the said recorder may, in all cases wherein persons charged with being disorderly persons under any of the provisions of the act entitled "An act to amend an act incorporating the village or Plattsburgh, and the several acts amendatory thereof, and to extend the powers of the corporation of said village," passed April thirteenth, eighteen hundred and fifty-nine, or of the acts amendatory thereof, are found guilty, and in all cases wherein persons charged with misdemeanors are found guilty, sentence, and he is hereby given full power and authority to sentence any defendant so found guilty, to hard labor upon the streets or public works of said village or town for the public benefit, for a term in such sentence to be stated, not exceeding forty days, and under such restraint and superintendence as said recorder may deem advisable. And this sentence may be in addition to sentence of imprisonment in the county jail during the said term in said sentence to be stated, and also to payment of such fine as may be provided by law, in the discretion of said recorder. An appeal may be taken to the county court of Clinton county from any judgment in a civil action rendered by said recorder, and the same may be reviewed on questions of law, and new trials may be had in said county court, on such appeal, in the same manner, and with the same effect, as is now provided by law, for appeals from judgments rendered by courts of justices of the peace.

§ 2. This act shall take effect immediately.

Chap. 57.

AN ACT to amend chapter one hundred and thirty-three of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the Niagara Falls Suspension Bridge Company," passed March thirty-first, eighteen hundred and fifty-five.

Passed March 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of an act entitled "An act to incorporate the Niagara Falls Suspension Bridge Company," passed March thirty-first, eighteen hundred and fifty-five, is hereby amended so as to read as follows:

§ 3. The stock, property, affairs and business of the said company or corporation, shall be managed by five directors, who shall be stockholders of said corporation, and shall be chosen annually, after the first election on the second Tuesday in July in each year, at such place as a majority of the directors may appoint, of which due notice shall be given as hereinafter directed. The board of directors shall, at their first meeting after such election, appoint one of their number to be president, and shall appoint a secretary and a treasurer, who may be required to give security according to the by-laws which the directors of the said corporation shall adopt.

§ 2. This act shall take effect immediately.

Chap. 58.

AN ACT further to amend chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories."

Passed March 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories," is hereby further amended so as to read as follows:

§ 1. The Governor of this State is hereby authorized to name, appoint and commission so many commissioners in each of the other States and Territories of the United States, and in the District of Columbia, as he may deem expedient, provided that the number of commissioners shall at no time exceed ten in any one city or county; the said commissioners shall continue in office for four years, and shall have authority to take the acknowledgment and proof of the execution of any deed, mortgage, lease or other conveyance of any lands, tenements or hereditaments, lying or being in this State, or of any contract, assignment, transfer, letter of attorney, satisfaction of a judgment or of a mortgage, or of any other writing or instrument under seal, to be used or recorded in this State; also to administer an oath or affirmation to any person or persons who may desire to make such oath or affirmation.

Commissioners of deeds in other States.

Term of office, powers and duties.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. Every commissioner appointed by virtue of this act shall, before he performs any duty under and by virtue of his said appointment and of this law, take and subscribe an oath or affirmation before a justice of the peace, or some other magistrate in the city or county in which he shall reside, well and faithfully to execute and perform all the duties of such commissioner under and by virtue of the laws of the State of New York; which oath or affirmation shall be filed in the office of the Secretary of this State. And every such commissioner shall, also before he enters upon the duties of his office, cause to be prepared an official seal, in which shall be designated his name, and the words "a commissioner of deeds for the State of New York," together with the name of the State or Territory, and also of the city or county in which he shall reside, and for which he shall have been appointed, and shall transmit to and cause to be filed in the office of the Secretary of the State, a distinct impression of such seal, taken upon wax or some other substance capable of receiving and retaining a clear impression, together with his signature in his own proper writing.

Oath of office.

Official seal necessary.

Impression to be filed.

§ 3. Section five of said act is hereby amended so as to read as follows:

§ 5. No commissioner appointed under or by virtue of this act shall be authorized to take the proof or acknowledgment of any deed or instru-

ment, or to administer any oath or affirmation, at any place other than within the city or county within which he shall reside at the time of his appointment; and every certificate of any such commissioner to any proof or acknowledgement taken before him, or to any oath or affirmation administered by him, shall specify the day on which, and the city and county, or town and county, within which the same was taken or administered; and without such specification, the said certificate shall be wholly invalid, inoperative and void.

Fees.

§ 4. The fees of such commissioners shall in no case exceed four times the amount allowed by the laws of the State or Territory in which such commissioner resides, for like services within such State or Territory by an officer thereof, provided, however, that in no case shall such fees for taking the proof or acknowledgment of a deed or other instrument or the administering of an oath or affirmation, exceed the sum of one dollar.

Chap. 59.

AN ACT to release the interest of the People of the State of New York in and to certain lands situate in the county of Schuyler, of which William Aston died seized, and granting and confirming the title to said lands in Joseph Mackey, Matthew Mackey and John Mackey.

Passed March 14, 1876 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Lands in
Schuyler
county re-
leased.

SECTION 1. All of the right, title and interest which the People of the State of New York have acquired by escheat in the real estate in the county of Schuyler, of which William Aston died seized, and which is particularly described in a deed of the premises from Matthew Mackey and Mary E., his wife, to William Aston, dated December twenty-nine, eighteen hundred and sixty, and recorded in the clerk's office of the county of Schuyler, on the tenth day of October, eighteen hundred and sixty-one, in liber seven of deeds, at page two hundred and sixteen, is hereby released to and vested in, Joseph Mackey, Matthew Mackey and John Mackey.

Persons
not affect-
ed there-
by.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest in the said real estate of any heir at law, devisee or grantee of the said William Aston, or any creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

Chap. 60.

AN ACT to release the interest of the People of the State of New York in certain real estate in the city of Brooklyn, county of Kings, and in the town of Newtown, county of Queens, to James Butler and Martha Butler.

Passed March 14, 1876 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest which the People of the State of New York have acquired by reason of the alienage of James Butler and Martha Butler, of the city of Brooklyn, county of Kings in and to all that certain piece or parcel of land situate on the easterly side of Bond street in the city of Brooklyn, conveyed to the said James Butler and Martha Butler by Sarah Murname, by deed bearing date the first day of November, one thousand eight hundred and seventy-two, and recorded in the office of the register of the county of Kings in liber one thousand and seventy-four of conveyances, on page three hundred and twenty-three, on the said first day of November, one thousand eight hundred and seventy-two; and, also, all those three certain other lots of land situate in the town of Newtown, in the county of Queens, and known as lot numbers four hundred and twenty, four hundred and forty, and four hundred and sixty-six, on a certain map entitled "Map of Co-operative Lot Association number ten," on file in the office of the clerk of the county of Queens, and conveyed to the said James Butler by George Hulst and Ann Eliza, his wife, by three deeds, each bearing date the third day of October, one thousand eight hundred and seventy-two, and recorded in the office of the clerk of Queens county, in liber three hundred and ninety of deeds, on pages thirty-five, thirty-eight and sixty-two, respectively on the fifth day of October, one thousand eight hundred and seventy-two, is hereby released to the said James Butler and Martha Butler, their heirs and assigns forever.

Lands in
Brooklyn
released.

§ 2. Nothing in this act contained shall be so construed as to effect* the right of any heir, devisee, or purchaser, or of any creditor by mortgage, judgment, or otherwise, relating to said estate.

Persons
not affect-
ed there-
by.

§ 3. This act shall take effect immediately.

Chap. 61.

AN ACT relating to fines imposed in criminal cases.

Passed March 14, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever a fine is imposed upon any person convicted of a misdemeanor, the court imposing the fine may limit the term of

* So in the original.

imprisonment, in default of payment, to a term not exceeding one day for each dollar of the fine imposed.

§ 2. This act shall take effect immediately.

Chap. 62.

AN ACT to amend section five of chapter five hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto."

Passed March 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter five hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the incorporation of the New York State Grange of the Patrons of Husbandry, and councils and granges subordinate thereto," is hereby amended so as to read as follows:

Executive
committee
to manage
business
interests.

Their
powers
and du-
ties.

Term of
service.

Election
of officers.

Appoint-
ment of
agents.

Bonds of
officers.

§ 5. The management and disposition of all the business interests of said corporation shall be vested in an executive committee of five members, of whom the master and secretary, by virtue of their respective offices, shall be two. Said executive committee may have and use a seal, and alter and renew the same at pleasure. They shall have authority to act in all matters of interest to the order, when the State grange is not in session, shall provide for the welfare of the order in business matters. To them shall be referred the reports of the treasurer and secretary for examination; and they shall audit and allow all bills and accounts prior to their being paid, and shall lay before the State grange at each session a report of their acts on the first day of its annual meeting, and may, from time to time, draw such sums as may be necessary to defray their actual expenses and disbursements while engaged in the performance of their duties, and shall receive such compensation for their services as the grange may fix. The executive committee elected by the said voluntary association at its aforesaid session shall be the executive committee of this corporation, and its members shall hold their offices for the term for which they were elected, and until their successors are elected and qualified, namely: William G. Wayne, for the term of three years; Stephen R. Pratt, for the term of two years; and John O'Donnell, junior, for the term of one year; and there shall hereafter be elected, at each annual session of said grange, one member of said executive committee, to hold his office for the term of three years, or until his successor shall be elected and qualified; said committee shall elect from their own number a chairman and secretary, who shall possess and exercise the usual powers of such officers and such others as may be specially conferred. And the said committee may, under seal, appoint from their own number or otherwise, and by resolution remove such business agents as may be necessary for the promotion of the objects of the organization, and may exact bonds in the name of the grange, for the faithful discharge of their duties by said agents, or any of the officers, agents or deputies of said grange or its officers.

§ 2. This act shall take effect immediately.

Chap. 63.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns in the county of Erie.

Passed March 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. If any collector or receiver of taxes, in any town in the county of Erie, in the State of New York, shall pay over all moneys collected by him, and shall renew his bond as is herein provided, the time for the collection of taxes and for making return thereof by him, shall be and is hereby extended to the fifteenth day of April, eighteen hundred and seventy-six ; such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof. The penalty thereof, in any case, shall be double the amount of taxes in that case remaining uncollected ; the bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is.

Time for
collection
of taxes
extended.

Bonds to
be renew-
ed.

§ 2. It shall be the duty of the Secretary of State, immediately after the passage of this act, to cause it to be printed upon slips of paper and delivered to the county treasurer of Erie county, a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof to each collector or receiver of taxes in said county.

Secretary
of State to
notify.

§ 3. This act shall take effect immediately.

Chap. 64.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns of the county of Ulster, State of New York.

Passed March 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. If any collector of taxes in any town of the county of Ulster, State of New York, shall, on or before the fifteenth day of March, eighteen hundred and seventy-six, pay over to the county treasurer of said county, all the taxes collected by him, and furnish evidence by his oath and such other competent testimony as such treasurer shall require, that he has been unable for cause stated to collect the taxes as required by his warrant, and shall renew his bond as is herein provided, the time for the collection of taxes and for making return thereof by him, shall be and is hereby extended until the first day of April, eighteen hundred and seventy-six. Such bond shall be

Time for
collection
of taxes
extended.

Bonds to
be renew
ed.

renewed with such sureties as in any town of said county shall be approved by the supervisor thereof. The penalty thereof in any case, shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing, and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond.

§ 2. This act shall take effect immediately.

Chap. 65.

AN ACT releasing all the right, title and interest of the People of the State of New York of, in and to certain lands in the city of Brooklyn, in the county of Kings, formerly covered by the waters of New York bay.

Passed March 15, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Lands in
Brooklyn
released.

Convey-
ances con-
firmed.
Streets not
interfered
with.

SECTION 1. All the right, title and interest of the People of the State of New York of, in and to all the lands formerly under water, situated in the city of Brooklyn, in the county of Kings, and State of New York, between the center line of Twenty-fifth street and the center line of Twenty-eighth street, and between the original line of high water of New York bay and the bulk-head line or line of solid filling, now established by law, is hereby released to and confirmed in the respective owners of said lands, as the same have been granted and conveyed to them or made and gained by them respectively out of New York bay, in pursuance of letters-patent granted by the People of the State of New York to Thomas McElrath and Moses S. Beach, dated October twenty-seventh, eighteen hundred and forty-six, or in pursuance or by virtue of any act of the Legislature of said State. And all grants and conveyances of said lands heretofore made, are hereby confirmed to said grantees, their heirs and assigns forever; provided that nothing in this act contained, shall interfere with said streets mentioned in said act, from running to the bulk-head line.

§ 2. This act shall take effect immediately.

Chap. 66.

AN ACT to authorize municipal corporations holding the first mortgage bonds of the Rochester and State Line Railway Company, to sell and dispose of the same.

Passed March 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common
council of
Rochester
to sell
bonds of
the Roch-

SECTION 1. The common council of the city of Rochester is hereby authorized to and empowered to sell and dispose of the first mortgage bonds of the Rochester and State Line Railway Company, which were issued to said city pursuant to the provisions of chapter one hun-

dred and eighty-five, of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take bonds of that company therefor," and the unpaid interest coupons attached thereto upon such terms and conditions as to said common council shall seem best for the interest of said city, whenever said railway company shall have entered into a written contract for the completion and equipment of said railroad, from Rochester to Salamanca, and a guaranty shall have been given by the contractor to said city, with sufficient sureties to be approved by the common council of said city, that said railroad shall be ready for operation and equipped by the first of January, eighteen hundred and seventy-seven, provided also the mortgage bonds issued or to be issued by said company on its said road and equipment, shall not exceed the sum of twenty thousand dollars for each mile in length of said railroad as located, from Rochester to Salamanca.

§ 2. The commissioners, or a majority of them, representing any municipal corporation within this State, holding the bonds of the Rochester and State Line Railway Company, issued in exchange for the bonds of such municipal corporation, pursuant to the provisions of chapter nine hundred and seven, of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled an act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads, and the several acts amendatory thereof or supplementary thereto, are hereby authorized and empowered to sell and dispose of the bonds of said railway company, and the interest coupons attached thereto, so held by said commissioners, upon such terms and conditions as to said commissioners or a majority of them shall be deemed best for the interest of said municipal corporation they represent whenever said railway company shall have entered into a written contract for the completion and equipment of said railroad from Rochester to Salamanca, and the contractor shall have given to the city of Rochester the guaranty required by the first section of this act, and said commissioners may, in their discretion, require a like guaranty to be approved by them or a majority of them.

§ 3. The commissioners of said several municipal corporations named in section two of this act, shall have the custody and control of said bonds until the same shall have been sold and disposed of as herein provided, and they shall respectively have the custody and control of the proceeds of the sale of the said railway bonds until the proceeds of the same shall be applied as provided in section four of this act.

§ 4. All the proceeds and avails of said bonds shall be applied to the payment of the interest and principal of the bonds heretofore issued by said corporations respectively, in aid of said railway company, and not otherwise.

§ 5. This act shall take effect immediately.

Chap. 67.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," so far as said act relates to the village of Charlotte.

Passed March 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Number
of trustees
and term
of office.
Election
of trus-
tees.

SECTION 1. Section one of title two of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so far as said act relates to the village of Charlotte, so that said village shall hereafter have four trustees, whose term of office shall be for two years, and at the annual election to be held in said village on the third Tuesday of March, eighteen hundred and seventy-six, and annually thereafter, two trustees shall be elected who shall hold their office for two years.

§ 2. This act shall take effect immediately.

Chap. 68.

AN ACT to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county.

Passed March 17, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the supervisor of the town of Hastings, upon the passage of this act, to cause to be inserted in the assessment roll of said town for the year eighteen hundred and seventy-five, the amount of tax levied and returned against the New York and Oswego Midland Railroad, for highway purposes.

§ 2. This act shall take effect immediately.

Chap. 69.

AN ACT to amend section forty-eight of article three, title four, chapter seven, part three of the Revised Statutes.

Passed March 17, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section forty-eight of article three, title four, chapter seven, part three of the Revised Statutes is hereby amended so as to read as follows:

§ 48. At the time appointed, the clerk of the county shall attend at

his office, with the original lists of the jurors returned to him by the officers of the several towns, who are then liable to serve, or in case such lists cannot be found, with lists made by the clerk from ballots remaining in the box and from the names which have already been drawn as jurors from the box since such original lists were so returned, and in the presence of the parties, or their council, shall proceed to strike a jury as follows:

1. The clerk shall select from such lists the names of forty-eight persons, whom he shall deem most indifferent between the parties, and best qualified to try such cause:

2. The party on whose application such struck jury was ordered, or his attorneys, shall then first strike out one of the said names, and the opposite party or his agent shall strike out another of such names, and so alternately until each party shall have stricken out twelve names:

3. If either party shall fail to attend at the time and place of striking such jurors, or shall neglect to strike out any names according to the foregoing provisions, the clerk shall strike for such party:

4. The clerk shall thereupon make out a list of the names of the twenty-four persons not stricken out, and certify the same to be the persons drawn to serve as jurors pursuant to the order of the court, and shall deliver such list so certified to the sheriff of the county.

§ 2. This act shall take effect immediately.

Chap. 70.

AN ACT to extend the time for the collection of taxes in the county of Richmond.

Passed March 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes now levied and uncollected in the county of Richmond, is hereby extended to the first day of May next; provided, that the collectors for said county shall pay over all moneys already collected by them, and renew their bonds with sureties to the satisfaction of the supervisors of their respective towns, and in such case the warrant shall continue in full force and effect until said first day of May. But nothing herein authorized shall be construed as extending the time for the payment of the State tax or any part thereof by the county treasurer of the said county to the Comptroller, as now required by law.

Warrant of collect- or to con- tinue in force. Payment of State tax not affected.

§ 2. This act shall take effect immediately.

Chap. 71.

AN ACT to confirm the official acts of Hiram J. Purdy, a coroner of the county of Seneca, and to enable him to take and file his official oath.

Passed March 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts done by Hiram J. Purdy as coroner for the county of Seneca, since the first day of January, in the year one thou-

Acts legalized.

sand eight hundred and seventy-six, are hereby declared as valid and of as full effect as if he had taken and filed the oath of office required by law.

Oath of office.

§ 2. The said Hiram J. Purdy may, within ten days after the passage of this act, take and file his official oath as coroner of said county of Seneca, and he shall thereupon be entitled to enter upon and discharge the duties of said office during the residue of his said term of office.

§ 3. This act shall take effect immediately.

Chap. 72.

AN ACT to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington hose carriage house in said city.

Passed March 24, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Lockport may, in the year eighteen hundred and seventy-six, raise by general tax on the property of said city and with the other taxes raised therein in said year the sum of two thousand five hundred dollars, or so much thereof as may be necessary, to be used and expended in rebuilding Washington hose carriage house in the first ward of said city.

§ 2. This act shall take effect immediately.

Chap. 73.

AN ACT to authorize the Commissioners of the Sinking Fund of the city of New York to sell at public auction the lease of the ferry from Grand street, in the city of New York, to Grand street in the city of Brooklyn.

Passed March 24, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Notice of sale.

SECTION 1. The commissioners of the Sinking Fund of the city of New York are hereby authorized and directed, within twenty days from the passage of this act, to advertise in three of the daily newspapers having the largest circulation, published in the city of New York, and one newspaper published in the city of Brooklyn, for six days in each of said newspapers, a notice of the sale by public auction, at the expiration of said six days, to the highest bidder, at a time and place to be designated therein, in the said city of New York, of the lease for a period of ten years, of the full and absolute franchise, and right to run, maintain, operate and use with the franchises the ferry from Grand street, in said city, to Grand street in the city of Brooklyn, together with the docks, slips and facilities now or heretofore used for the purpose of a ferry.

§ 2. The said commissioners of the Sinking Fund shall, within ten days after such sale, execute and deliver to the highest bidder, as afore-

said, a lease for the term of ten years from the date thereof, of the said ferry, docks, slips and facilities; such lease to contain proper and reasonable restrictions as to the kind of boats to be used, the time of running the same, the kind of buildings to be erected for the accommodation of passengers at each terminus of said ferry, and the rate or rates of fare to be charged for the conveying of passengers, goods and merchandise, vehicles, animals and all other articles which may be conveyed over such ferry, all of which are to be specified and determined by the said commissioners of the Sinking Fund. But such fare or charges shall not at any time exceed the fare or charges now made and collected by the Houston street ferry company for similar services performed by them.

Commissioners to execute lease. Restrictions of lease.

Fare.

§ 3. Such lease shall also contain a suitable provision for the payment to such lessee or his assigns at the end of said term, by any other person or persons to whom such franchise and property shall thereafter be leased, of the value of the buildings, bridges and racks which shall have been provided by him or them for the operation of said franchises under such lease; such value to be ascertained by arbitration and appraisal in a manner to be provided in and by such lease.

Lessee to be paid for buildings.

§ 4. All acts or parts of acts conflicting with this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 74..

AN ACT to legalize and confirm the consolidation of the several railroads and companies now constituting the Geneva, Hornellsville and Pine Creek railway company.

Passed March 24, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The consolidation of the railroads and companies of the Geneva and Southwestern railway company, and the Geneva, Southwestern and Hornellsville railway company, under the corporate name of the Geneva and Hornellsville railway company, and the subsequent consolidation of the railroads and companies of the said Geneva and Hornellsville railway company, and the Rochester, Hornellsville and Pine Creek railroad company, and the Gaines and State Line railroad company under the corporate name of the Geneva, Hornellsville and Pine Creek railway company is hereby legalized and confirmed; and said Geneva, Hornellsville and Pine Creek railway company is declared to be, and to have been, a corporation of this State from the time of the filing of the agreement to consolidate by which said company was formed in the office of the Secretary of State.

Consolidation confirmed.

§ 2. The provisions of this act shall not affect any action or legal proceedings now pending.

Proceedings pending not affected.

§ 3. This act shall take effect immediately.

Chap. 75.

AN ACT to amend chapter ninety-four of the laws of eighteen hundred and seventy-five, entitled "An act to further amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-one, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo;'" also to amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo."

Passed March 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending
chap. 94,
Laws 1875.

SECTION 1. Section one of chapter ninety-four of the laws of eighteen hundred and seventy-five, entitled "An act further to amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-one, entitled 'An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo,'" is hereby amended so to read as follows:

§ 1. The eighth section of chapter six hundred and eighty of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo," is hereby amended so as to read as follows:

City and
county
hall.

§ 8. The commissioners appointed under the provisions of said act, as amended, shall cause the grounds selected as a site for said city and county hall to be laid out and improved in such manner as they shall deem suitable and proper, and one-half of the expense incurred in erecting said hall, and in completing and furnishing the same ready for use, and in laying out and improving the grounds for the site thereof, shall be borne and paid, one-half by the city of Buffalo and the other half by the county of Erie; and all expenses incurred after the erection and completion thereof, and for repairing, warming, lighting, cleaning, improvement, care and protection thereof shall be borne and paid by said city and county in the same proportions.

§ 2. Section eleven of chapter six hundred and eighty of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo," is hereby amended so as to read as follows:

Jail, erec-
tion of.

§ 11. The commissioners now in office, and their successors under the provisions of the act hereby amended, by the consent of a majority of their number, shall have authority, for and in the name of said county, to purchase land suitable for a site for a jail for said county, and to cause a jail to be erected thereon, with the necessary approaches thereto. The expense incurred therefor shall be paid and borne by the county of Erie, and for that purpose said commissioners are authorized to expend two hundred thousand dollars, or so much thereof as shall be necessary; and it shall be the duty of the board of supervisors of said county, and they are hereby directed, to raise the amount required by the commissioners for that purpose, in the manner provided by the

act hereby amended. And in case the said commissioners shall, for any cause, be unable to agree with the owners of the lands selected by them for such site, and to obtain title thereto, the same shall be deemed to be taken for a public use for the purpose aforesaid upon making compensation therefor, which shall be ascertained by three commissioners, to be appointed by the Supreme Court, at a special term thereof, upon the petition of the said commissioners on behalf of said county in accordance with the rules and practice of said court; and, upon the confirmation of the report of such commission and the payment or deposit of the sum awarded by them under the direction of the court, the said county shall be deemed to have acquired the fee of the land so selected, and the said commissioners shall be authorized to enter into the possession for the purposes aforesaid. Site, how obtained.

§ 3. The seventeenth section of said act of eighteen hundred and seventy-one is hereby amended so as to read as follows:

§ 17. The whole amount to be expended by said commissioners, by virtue of this act, for the erection of said city and county hall, and in furnishing the same, and in improving the site thereof, shall not exceed the sum of one million four hundred and fifty thousand dollars, and they shall perform and complete all the duties assigned them by this act on or before the thirty-first day of December, one thousand eight hundred and seventy-seven. Limitation of expenditures.

§ 4. The third section of said chapter ninety-four of the laws of eighteen hundred and seventy-five, is hereby amended so as to read as follows:

§ 3. When the said hall is completed and furnished and the improvements of the grounds for the site thereof shall have been made, and a certificate to that effect shall be signed by said commissioners and filed in the offices of the clerk of the city of Buffalo and of the clerk of the county of Erie, the same shall be under the care and management of the persons who, from time to time, shall hold the office of mayor and comptroller of the city of Buffalo and chairman of the board of supervisors of the county of Erie, who are hereby constituted a board of trustees for that purpose, and who shall continue to act as such until their successors in office shall have qualified. All appropriations made for the repairing, warming, cleaning, lighting, protection and care thereof shall be paid to them and disbursed by them for such purposes. They shall have power to employ a janitor, engineer, watchman and such other servants and workmen as shall be required, and discharge the same at pleasure; to make repairs thereon as shall from time to time be proper, and to defray all incidental expenses for the care and management thereof; to make such ordinances and regulations for the protection and care of said hall and for the site thereof, and the prohibition of nuisances in said building and upon said grounds as are not inconsistent with the laws of this State, and cause the same to be posted in the halls of said building and upon said grounds, and they may prescribe a penalty not exceeding ten dollars for any violation thereof in addition to the damages incurred by said act, and may summarily enforce the same before any court or magistrate having jurisdiction of offenses for the violation of ordinances of the city of Buffalo in the same manner and to the same extent as such ordinances are enforced, or they may maintain an action therefor as such trustees. They shall yearly ascertain the amount required for the purposes aforesaid, and certify the same to the board of supervisors of said county and to the common council of said city. They shall yearly make to the board of supervisors of said county and to the Trustees of hall. Powers and duties of trustees. Trustees to report.

Commissioners to act as trustees until the filing of certificate.

common council of said city a detailed report of the money disbursed by them during the year, and they shall not permit said hall, or any part thereof, to be used for any purpose other than that of the public offices and courts, for whose use the same shall be designated under the provisions of this act hereby amended and the business connected therewith. Until the said commissioners shall have made and filed the certificate in this section mentioned they shall have possession and exercise all the powers and duties conferred upon the trustees herein designated, and shall act as such, and all expenditures made by them in that capacity, after the said hall shall be opened for public use shall be borne and paid equally by the city of Buffalo and the county of Erie, in the manner herein provided.

§ 5. This act shall take effect immediately.

Chap. 76.

AN ACT to extend the time for the collection of taxes in Moriah, Essex county.

Passed March 29, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for collection.

Renewal of bond.

Payment of State tax not extended.

SECTION 1. The time for the collection of taxes now levied and uncollected in the town of Moriah, Essex county, is hereby extended to the first day of May next; provided that the collector shall pay over all moneys already collected by him, and renew his bond with sureties to the satisfaction of the supervisor of said town, and in such case the warrant shall continue in full force and effect until said first day of May. But nothing herein authorized shall be construed as extending the time for payment of the State tax or any part thereof by the county treasurer of said county to the Comptroller as now required by law.

§ 2. This act shall take effect immediately.

Chap. 77.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

Passed March 29, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-third of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Change of route or termini,

§ 23. The directors of every company formed under this act may by a vote of two-thirds of their whole number, at any time alter or change the route or any part of the route of their road, or its termini, or locate

the said route or any part thereof, or its termini in a county, adjoining any county named in the articles of association, if it shall appear to them that the line can be improved thereby; and they shall make and file in the clerk's office of the proper county a survey, map and certificate of such alteration or change, and shall have the same right and power to acquire title to any lands required for the purposes of the company in such altered or changed route as if the road had been located there in the first instance; and no such alteration shall be made in any city or village after the road shall have been constructed, unless the same is sanctioned by a vote of two-thirds of the common council of said city, or trustees of said village; and in case of any alteration made in the route of any railroad after the company has commenced grading, compensation shall be made to all persons for injury so done to any lands that may have been donated to the company. Nothing herein shall be construed to authorize the change of either terminus to any other county than one adjoining that in which it was previously located, nor the reduction of the amount of capital stock per mile below that now required by law. All the provisions of this act relating to the first location and to acquire title to land, shall apply to every such new or altered portion of the route. Nor shall the provisions of this section authorize the alteration of the route or terminus of any railroad in any town, county or municipal corporation which has issued bonds, or any town which may be bonded, but whose bonds have not yet been issued or subscribed for, and taken any stock or bonds in aid of the construction of such railroad without the consent in writing of, and subscribed by, a majority of the tax payers appearing upon the last assessment roll of said town, county or municipal corporation.

how ef-
fected.Termini
and stock.Acquiring
land.In towns
bonded,
majority
of tax-pay-
ers must
consent.

Chap. 78.

AN ACT to extend the time for the collection of taxes in the several towns in the county of Rockland.

Passed, March 29, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector in any town in the county of Rockland shall pay over all moneys collected by him, and shall renew his bond as herein provided, the time for the collection of taxes and for making return thereof by him, shall be and is hereby extended to the first day of May, in the year one thousand eight hundred and seventy-six; such bond shall be renewed with sufficient sureties as in any town shall be approved by the supervisor thereof. The penalty of such bond in any case shall be double the amount in each case remaining uncollected at the time of executing such bond. The bond shall be approved in writing and filed in like manner as the original bond is required by law to be filed and have all the force and effect of a collector's bond. A copy of such bond with the approval thereon shall within ten days after the passage of this act be filed with the county treasurer of said county. Nothing herein contained shall be construed as extending the time for the payment of the State tax or any part thereof by the county treasurer of said county of Rockland, to the Comptroller of this State as provided by law.

Collector
to pay
over
money
and re-
new bond.Payment
of State
tax not
extended.

§ 2. This act shall take effect immediately.

Chap. 79.

AN ACT to extend the time for the collection of taxes in the town of Hastings in the county of Oswego.

Passed March 29, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collector
to pay
over
moneys
and renew
bond.

SECTION 1. The time for the collection of taxes in the town of Hastings, county of Oswego, is hereby extended to the twenty-fifth day of April, eighteen hundred and seventy-six, provided, however, that within ten days after the passage of this act the said collector shall pay over all moneys by him collected, and renew his bond to the satisfaction of the supervisor of said town.

§ 2. This act shall take effect immediately.

Chap. 80.

AN ACT to extend the time for the collection of taxes in the town of Plattsburgh in the county of Clinton.

Passed March 30, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collector
to pay
over
moneys
and renew
bond.

SECTION 1. Upon the collector of taxes of the town of Plattsburgh, in the county of Clinton, renewing his bond or giving a new bond to the satisfaction of the supervisor authorized by law to approve the same in a penalty at least double the amount remaining uncollected under his warrant within ten days after the passage of this act, and shall, within the same time, pay over to the county treasurer of Clinton county all moneys which shall then have been collected by him, the time for collecting the taxes in said town, and making returns thereof, and the warrant to collect the same shall be extended to the thirtieth day of April, eighteen hundred and seventy-six, but nothing herein contained shall be construed as extending the time for the payment of the State tax, or any part thereof by the county treasurer of said county to the Comptroller as now provided by law.

Payment
of State
tax not
extended.

§ 2. This act shall take effect immediately.

Chap. 81.

AN ACT to extend the time for the collection of taxes in town of Oysterbay and North Hempstead, in the county of Queens.

Passed March 30, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the towns of Oysterbay and North Hempstead, in the county of Queens, is hereby

extended to the first day of May, eighteen hundred and seventy-six; Collector provided, however, that the collectors of taxes in the said towns shall ^{to pay over moneys and renew bond.} pay over all money collected by them, and respectively renew their official bonds to the satisfaction of the supervisor of the said named towns respectively, on or before the tenth day of April, eighteen hundred and seventy-six, so as to insure the faithful performance of their official duties during the extension aforesaid. But nothing herein ^{Payment of State tax not extended.} contained shall be construed as extending the time for the payment of the State tax or any part thereof, by the county treasurer of said county to the Comptroller, as now provided by law.

§ 2. This act shall take effect immediately.

Chap. 82.

AN ACT to legalize and confirm the official acts of Jeffrey F. Thomas, as assessor of the town of Sheldon, in the county of Wyoming, and to enable him to take the oath of office required by the Constitution.

Passed March 30, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings of Jeffrey F. Thomas, as assessor of the town of Sheldon, in the county of Wyoming, since the first day of January, eighteen hundred and seventy-six, are hereby declared ^{Acts confirmed.} as valid, as if he had taken the oath of office prescribed by the Constitution within the time required by law; but nothing herein contained shall affect any suit or proceeding now pending in any court of this State.

§ 2. The said Jeffrey F. Thomas may, within ten days after the passage of this act, take the oath of office required by the Constitution, ^{Oath of office.} and he shall thereupon be entitled to enter upon, and discharge the duties of said office during the residue of said term.

§ 3. This act shall take effect immediately.

Chap. 83.

AN ACT to amend chapter four hundred and fifty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua."

Passed March 30, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and fifty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Mayville, in the town of Chautauqua, county of Chautauqua," is hereby amended so as to read as follows:

Boundaries of village.

§ 1. All that part of the town of Chautauqua, in the county of Chautauqua, within the following limits, to wit: Beginning on the west shore of Chautauqua lake at a point bearing north forty-four degrees east, from the east corner of lot number thirteen in the Holland Land Company's survey of the village of Mayville, thence southwest on the north west bounds of lands of Mathew P. Bemus (formerly Joseph and Benjamin Mills), and continuing the same course to the southeast bounds of the right of way of the Buffalo, Corry and Pittsburgh railroad, thence along said railroad to a point; thence northwest parallel with Erie street in said village to the northwest line of the Morris road, intersecting said road at a point five chains southwest from the southwest line of a certain private alley or road crossing the lands of Hiram D. Barnes from the lands of Charles W. Batchelor to the said Morris road; thence northeast along said northwest line of the Morris road to a point forty chains distant from said Erie street and in the southwest bounds of the village of Mayville; thence northwest on a line parallel to Erie street in said village at the distance of forty chains southwest therefrom to the southeast line of lot number thirty-six in said village; thence northeast on the line last mentioned to the center of a creek, thence up said creek across the lot last mentioned to the northwest line thereof; thence northeast on the line last mentioned and across said Erie street to the west corner of lot number fifty-two; thence northeast on the northwest line of the lot last mentioned forty chains; thence southeast on a line parallel to said Erie street at the distance of forty chains northeast therefrom to the northwest line of lot number forty-seven in said village; thence northeast on the line last mentioned to the east line of the highway, formerly a plank road; thence southeast on a line parallel to said Erie street to the shore of Chautauqua lake, and continuing on the same course into the lake to a point bearing north forty-four degrees east from the place of beginning, and thence southwest to the place of beginning, shall constitute the village of Mayville, and the inhabitants residing therein

Declared a body politic.

are hereby declared to be a body politic and corporate by the name of "The Village of Mayville," and as such shall remain invested with all its corporate property and rights, and shall have perpetual succession, and may sue and be sued, complain and defend in any court of law or equity, may take, hold, purchase and convey real estate and personal property as the purposes of such corporation may require, adopt and use a common seal, and alter the same at pleasure, and may exercise such other power as is or may be conferred on such corporation by law, or as shall be necessary to carry the powers conferred on such corporation into effect.

Seal.

§ 2. Section two of said act is hereby amended so as to read as follows:

Trustees, election and classification of.

§ 2. The officers of such corporation shall consist of nine trustees, which trustees shall at the time of their election have been assessed and paid, within in the last year, a tax upon real or personal property in said village; and they shall be divided into three classes, the first class to hold one year, the second for two; and the third for three years; which divisions and classifications shall be determined by lot at the time of the first meeting of the said trustees for the formation of a board as herein provided. After the first election three trustees shall be elected annually, who shall hold their office for the term of three years each, and such number more as are required to fill all vacancies that may have occurred during the time since the last election. There shall also be elected, at each annual election, one treasurer, one clerk,

one assessor, one collector of taxes and three inspectors of elections, each of whom shall be an elector and tax payer of said village. The officers herein named are to be elected by the people of the corporation qualified to vote at the annual State election for Member of Assembly.

Other officers, election of.

The trustees shall appoint one police constable, one pound master, one or more fire wardens, and such other appointed officers as shall be authorized by this act. No person shall be eligible to any office unless he shall be at the time a resident and elector in said village. And when any officer of said village shall not have been at the time of his election, or shall afterward cease to be a resident of said village, his office shall thereby become vacant. The trustees may, if in their opinion the public good requires, appoint an extra number of police constables to serve during the pleasure of the said trustees, and who shall have no authority to serve any civil process.

Trustees to make appointments.

§ 3. Section three of said act is hereby amended so as to read as follows:

§ 3. The inspectors so elected and chosen as aforesaid, shall preside at and conduct all elections in and for said village; except the election to be held in and for said village, next after the passage of this act, at which election the trustees then in office, or a majority of them shall be and act as inspectors of such election; and in case said inspectors, or any part of them, shall neglect or refuse to attend and hold any election at the time and place fixed for holding the same, the electors present may appoint persons who are electors of said village as inspectors to fill the vacancy or vacancies.

Inspectors of elections.

§ 4. Section five of said act is hereby amended so as to read as follows:

§ 5. The first election held under this act, as amended, shall be held on the first Tuesday of April, eighteen hundred and seventy-six, at Bemus Hall, in said village, and the annual election thereafter shall be held on the first Tuesday of March in each year. The polls of said election shall be opened at two o'clock in the afternoon, and kept open until five o'clock of the same day; and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and shall make out and certify a statement thereof, and therein also certify who, by a plurality of votes, are elected to fill the offices voted for, and file the same with the clerk of the village; and the persons who are trustees of said village, when this act takes effect, shall be and remain trustees until a majority of the persons elected under this act shall be qualified to act; and shall possess all the powers and perform all the duties given and required by this act.

First election.

§ 5. Section eight of said act is hereby amended so as to read as follows:

§ 8. If any vacancy shall happen in any elective office, the board of trustees may appoint an elector of the village, who is a tax payer, to fill the vacancy, and the person so appointed shall hold the office until the next annual election, and the election and qualification of a successor; and may at any time remove from office, for sufficient cause, any person who shall have been appointed by them.

Vacancies in elective offices.

§ 6. Section eleven of said act is hereby amended so as to read as follows:

§ 11. A majority of the trustees elected at the first election, when qualified, shall form a board and shall meet within ten days after such election, and by plurality of votes fill all vacancies in the board of

Board of trustees.

trustees and, by plurality of votes, elect one of their number to be president of the board, who shall also be presiding officer of the corporation. At the expiration of ten days after each subsequent annual election, the trustees, whose term of office has not expired, with such other persons as were elected trustees, at said election and have qualified, shall form a new board of trustees, and after filling vacancies, as heretofore provided, shall elect one of their number to be president of the board, who shall also be presiding officer of the corporation.

Meetings. The trustees shall hold such stated meetings as they shall deem proper, and special meetings may be called at any time by the president, or by any two of the trustees. In case of the absence of the president, or his refusal to serve at any stated or special meeting called as aforesaid, a chairman shall be appointed by the meeting, who shall act as presiding officer for the time being. A quorum for doing business shall consist of five or more trustees present at any stated or special meeting properly called.

§ 7. Section sixteen of said act is hereby amended so as to read as follows:

Police constable. § 16. The police constable of said village shall possess and exercise the same powers and give the like sureties as constables of towns in this State are required to give, and may be removed by the trustees of the village for cause shown.

§ 8. Section seventeen of said act is hereby amended by adding thereto, three sub-divisions, as follows:

Burying-ground and cemeteries. 30. To maintain, care for, improve and protect the public burying ground and cemeteries situate within the corporate limits of said village.

Superintendent of. 31. To appoint a superintendent of cemeteries whose powers and duties shall be defined by such by-laws and regulations as said trustees may from time to time adopt, and whose compensation shall be regulated by the said board of trustees.

Fire department. 32. To appoint in conjunction with the fire company or companies a chief engineer of the fire department, and two assistants, whose powers and duties shall be defined and regulated by the said board of trustees from time to time as they shall deem necessary.

§ 9. Section twenty of said act is hereby amended so as to read as follows:

Corporation taxes. § 20. The trustees shall have power to raise by tax upon the taxable inhabitants of said village, and the property therein liable to taxation, such sum of money as they shall deem proper, but not to exceed the sum of one thousand dollars in any one year, to be expended in payment of the debts and expenses of the corporation, and to carry into effect the several powers and privileges granted by this act. The electors of said corporation, at an annual or special meeting thereof, may raise in addition to such sum, by a vote of a majority of said electors voting at such election, a sum not exceeding one thousand dollars, to be expended as aforesaid, ten days notice of the intention to take such vote having been given by the trustees.

§ 10. Section thirty-two of said act is hereby amended so as to read as follows:

Streets, alleys and highways, laying out of. § 32. The trustees are authorized and empowered to lay out, make and open any street, alley or highway, of such width as they shall deem proper, and to cause any street, alley or highway already laid out, to be opened, altered, extended, widened or discontinued, whenever they shall deem the public good to require; provided such street, alley or highway shall not be so laid out or altered as to run over the site of

any dwelling-house erected before the said road, street or highway, shall be so laid out or altered; if the said dwelling-house or other building erected before the said road, street or highway, shall be so laid out or altered, shall exceed the sum of one thousand dollars in value, which shall be determined by the assessor of said village, and his determination shall be in writing and filed with the village clerk, and the owner or owners of any lands over which such street, alley or highway, shall be laid out or altered, shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof; and such damages may be settled by agreement between said owner or owners, or either of them, and the trustees; but in all cases where the amount of such damages shall not be settled by agreement, the manner of ascertaining such damages shall be by a jury in the manner following, to wit: the president and any two or more trustees shall by a precept under their hand and seal, command any constable of said village, or of the town of Chautauqua to empanel and return a jury of twelve freeholders, of said village, who are not interested in the property to be assessed, to appear before the president of said village, within twenty days from the day of the date of said precept, which day shall be stated in the said precept, and the hour and place at which the said jury are required to convene, to inquire and assess the damages and recompense due to the owner or owners of said lands, or his or their agents or legal representatives, by written notice personally served or to be left at his, her or their most usual place of abode, to appear before said president and jury on the day and at the place in such precept to be specified; or, if the said lands are unoccupied, and the owner or others interested, be unknown to the said trustees, in that case the notice shall be inserted for six weeks in the State paper, which notice shall be taken and deemed to be sufficient; which jury, being duly sworn faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, shall inquire of and assess such damages and recompense as they shall under all the circumstances judge fit to be awarded to the owner or owners, or occupants of such lands, for their respective losses or damages according to their several interests and estates therein; and the verdict of said jury, when reduced to writing and signed by a majority of said jurors, and filed with the village clerk, and the payment of the sum of money so awarded and adjudged to the owner, owners or occupants thereof, or tender and refusal thereof, shall be conclusive and binding against the said owner, owners or occupants, his, her or their respective heirs, executors, administrators or assigns, claiming any estate or interest of, in, or to said lands. But said trustees shall not be allowed to take possession of, or appropriate any such lands until after the payment or tender of the moneys so awarded, as aforesaid, by the trustees of said village, and in order to provide for the payment thereof, the said board of trustees shall cause the same to be assessed and collected in the manner provided by this act for the collection of taxes; and upon the payment or tender of the money so awarded, as aforesaid, it shall thereupon be lawful for the said board of trustees to cause the said lands to be converted to, and be used for, the purpose aforesaid; provided, however, that any party conceiving himself or itself aggrieved by any assessment made, by virtue of this section of this act, shall have the right, within ten days thereafter, to apply to the county court of Chautauqua county, by a written application, to appoint three commissioners to re-assess the said damages, and thereupon the said county court shall appoint three reputable freeholders, residing in the county, not named by the

Damages to property, how settled.

Notice to owners.

Appeal to county court.

Petition
of twelve
freehold-
ers neces-
sary.

Non resi-
dents and
minors.

parties, nor residing in said village, and in no wise related to the parties, or interested in the premises through which the road or street is to be laid or altered, who shall be commissioners to re-assess the said damages, and adjudge and award to the said owner, owners or occupants, for their said losses or damages, according to their several estates therein, and either party may bring on the hearing thereof before said commissioners upon eight days' notice, in writing, to the other parties, and the decision of the said commissioners shall be final and conclusive upon the parties; and the party appealing shall pay the fees of the said commissioners, unless the damages are increased or diminished by their decision, so as to be ten per cent. or over, more favorable to the party appealing, than the assessment appealed from, and if so increased or diminished ten per cent. or over, then the fees shall be recovered by the said parties appealing from the other party; and until the determination of said commissioners, all proceedings on the part of the trustees with respect to such assessment shall be stayed from the time of notice of said appeal. No street, alley or highway, shall be laid out, opened, altered, extended, widened or discontinued, under this section, except upon the petition of twelve freeholders of the corporation; provided, however, that any party conceiving himself aggrieved by the neglect or refusal of the trustees to act upon any petition so made, as aforesaid, may at any time within sixty days after such neglect or refusal, appeal to the county judge of the county, as provided by the laws of this State in cases of appeal from the determination of commissioners of highways. When the land of a resident or non-resident shall be taken by due process of law, for the purpose of opening streets or for other purposes, the amount awarded shall be paid to the parties to whom the same shall be awarded; and in case of minors and non-residents, or refusal of residents to receive the same, the sum or sums so awarded, shall be deposited with the county treasurer of Chautauqua county to the credit of and subject to the order of said parties.

§ 11. This act shall take effect immediately.

Chap. 84.

AN ACT authorizing the Rochester and State Line railway company to amend its articles of association.

Passed March 30, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Capital
stock.

Directors
not stock-
holders.

SECTION 1. The Rochester and State Line railway company is hereby authorized to amend its articles of association so as to limit the amount of its capital stock issued and to be issued to two millions five hundred thousand dollars, and to provide that until the proceeds and avails of the first mortgage bonds of said railway company, now held by the city of Rochester, shall be applied as provided in section four of chapter sixty-six, laws of eighteen hundred and seventy-six, the common council of said city, by a vote of a majority of all the members of said common council, may elect two of the directors of said railway company, who need not be stockholders thereof; and that a majority of the commissioners of the towns, who now hold the first mortgage bonds of said railway company, may elect two directors of said railway company, who need not be stockholders thereof, so long as the proceeds

of said mortgage bonds, now held by said towns, are not applied as provided in section four of chapter sixty-six, of the laws of eighteen hundred and seventy-six.

§ 2. This act shall take effect immediately.

Chap. 85.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the various acts amendatory thereof.

Passed March 31, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one, as heretefore amended, is hereby amended so as to read as follows:

§ 8. The common council shall, as often as a vacancy exists, appoint by ballot, one city clerk, one city surveyor, one overseer of the poor, who shall hold office for two years, and one commissioner of Mount Hope Cemetery, who shall hold office for three years, one fire marshal, one sealer of weights and measures, so many pound-masters as it may deem necessary, each of which said officers shall hold his office during the pleasure of the common council. The treasurer of said city is authorized to perform all the duties formerly required of the comptroller, except as one of the superintendents of Mount Hope Cemetery, and except as herein otherwise provided. The treasurer shall give bonds in such sum as the common council shall provide, for the faithful performance of his duties imposed by this act, which bond shall be approved by the mayor, and the treasurer shall not be entitled to take possession of his office, for any term until such bond be given, approved and recorded.

Vacancies
in office.

Treasurer
to perform
duties of
comptrol-
ler.
Bond of
treasurer.

§ 2. Section nine of said act, as heretefore amended, is hereby amended so as to read as follows:

§ 9. The board of health of said city, authorized under chapter three hundred and twenty-four of laws of eighteen hundred and fifty, shall consist of six persons, besides the mayor, of whom at least two shall be physicians of at least five years' standing, and graduates of a regular medical college. They shall be appointed by the mayor and confirmed by the common council. Of those appointed in eighteen hundred and seventy-six, two shall hold for one, two for two, and two for three years, and thereafter for three years or the balance of any unexpired term. The mayor of the city shall be ex-officio president of said board. Said board of health shall appoint its own health officer, who shall hold office at its pleasure and shall receive a salary to be fixed by the common council. Such officer must be a graduate of some regular medical college, of five years' standing. Such board of health, in addition to the other powers conferred by law, shall have the power, by a vote of a majority of said board, to cause any person sick of any infectious disease to be removed to any proper hospital, when in its opinion the pub-

Board of
health.

Health of-
ficer.

Infections
diseases.

Public
buildings.City phy-
sicians.City attor-
ney.Vacancies
in office of
assessor.Appeals,
how
taken.Cleaning
of streets,
etc.Liability
of city.Powers
and duties
of super-
intendent
of streets.

lic health requires. It shall be an advisory board as to the proper ventilation of public buildings, and in case any public school or factory is in process of erection without proper facilities for ventilation in the opinion of such board, it may stop the erection of such building until the action of the common council can be had, and the common council shall have power to direct proper facilities for ventilation to be furnished, and to restrain further work until such facilities are furnished by an action brought in the name of the city. The common council shall elect, by ballot for one year, not less than four nor more than six city physicians, who shall be graduates of some regular medical college, of at least two years' standing, who shall receive salaries to be fixed by the council, and shall attend, gratuitously, the poor of the city who are unable to hire physicians, under the direction of the poor committee of the common council. The common council shall elect, by ballot in the month of May, when a vacancy exists, a city attorney who shall hold office for two years; they shall, in the month of December in each year, elect by ballot, one assessor who shall hold his office for three years from the first of January succeeding such election; in case any vacancy shall occur in the office of assessor, the common council shall, at the next meeting thereafter, choose an assessor to fill such vacancy.

§ 3. Section one hundred and seventy-six of said act as heretofore amended, is hereby amended so as to read as follows:

§ 176. Any person considering himself aggrieved by any part of such report may, within thirty days after such report is filed, serve upon the mayor of said city, a notice of appeal to the Supreme Court from the report and determination of said commissioners, and shall accompany such notice with a bond, executed to the said city by two or more sureties, to be approved by the mayor of the said city or the county judge of Monroe county, in the penalty of one thousand dollars, conditioned for the diligent prosecution of the said appeal and for the payment of all costs and charges which may be incurred by the said city in resisting the same and defending the said report in case the same shall be confirmed. A copy of such notice shall also be served at the same time upon the county clerk of Monroe county.

§ 4. Section two hundred and twelve of said act is hereby amended so as to read as follows:

§ 212. It shall in all cases be the duty of the owner of every lot or piece of land in said city to keep the sidewalks adjoining his lot or piece of land in good repair, and also to remove and clean away all snow and ice or other obstruction from such sidewalk and to keep half of the street or alley adjoining the same free from obstruction or obstacle. The city of Rochester shall not be liable for any injury caused from such sidewalks being out of repair, or unlawfully obstructed or dangerous from snow or ice, unless actual notice of the unsafe or dangerous condition thereof has been given to the city officers having charge of the highways. The superintendent of streets shall have the power to repair any sidewalk where the owner of the property shall neglect to repair the same for five days after written notice so to do has been served on him personally, or at his residence, if his residence be known, and he live in the city, or otherwise by being left on the premises. The street superintendent shall also have power to clean any sidewalks from snow, ice or other obstructions where the same have remained for twenty-four hours. The street superintendent shall have the power to collect the expense of any such work or repair from the owner of the property, and he shall send such owner, if his address be known, a bill of the amount thereof. If such expense is not paid, the

superintendent shall file his affidavit of the actual cost thereof, and the property in front of which the work or repair was done, with the assessors of the city, and they shall add the amount thereof, with interest at fifteen per cent. from the time such affidavit was filed to the amount assessed against such land for the next general city tax, and the whole amount of such assessment shall be collected as is provided in reference to general city taxes.

§ 5. Section eleven of said act is hereby amended so as to read as follows:

§ 11. The city treasurer, assessor and overseer of the poor may be each removed from office by the common council for official misconduct, or for the unfaithful performance of the duties of his office; but notice of the charges against them, and an opportunity of being heard in their defense, shall first be given.

§ 6. This act shall take effect immediately.

Chap. 86.

AN ACT further to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester."

Passed March 31, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and fifty-five of chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," is hereby further amended so as to read as follows:

§ 155. There shall be an executive board of said city which shall consist of six electors and freeholders thereof, three of such board shall be chosen by the electors of said city in the same manner as other city officers at the election to be held in March, eighteen hundred and seventy-six, for terms of one, two and three years respectively, the mayor of said city, during the month of April, and after the tenth thereof, in said year, shall appoint the other three of said board for terms of one, two and three years respectively. In each succeeding year, one of such board shall be elected by the people, and one appointed by the mayor during the month of April, and after the tenth thereof, as above provided, for terms of three years. The mayor shall appoint such persons, that each of the two chief political parties shall have three members of such board. Any vacancy shall be filled by the mayor, as above provided, for the residue of the term, or until a successor can be elected by the people and has qualified. The terms of the members of such executive board shall begin on the first Monday of May, eighteen hundred and seventy-six, and any member shall hold until his successor is appointed and qualified. Each of such board shall take the oath of office required of other city officers within five days after being notified of his election or appointment, and a failure to do so shall be deemed a refusal to serve. Each of said board shall give a bond in such amount and with such sureties as the mayor may

Executive board, how constituted.

To be non-partisan.

Vacancies.

Term, oath of office and bond.

approve, conditioned for the faithful performance of his duties. Any of such board may be removed by the common council for official misconduct by a vote of two-thirds of all members elected to the said council, but notice in writing shall be given of the charges made, and he shall have an opportunity of being heard in his defense. The salary of each member of such board shall be two thousand dollars per year, and shall be paid by the city treasurer in the same manner as the salaries of officers elected by the common council. Such executive board shall have the sole power to let all contracts to be made by said city in pursuance of any ordinance, except such as are by law directed to be otherwise made, and shall superintend the execution of the same, and shall have superintendence and control of all work or improvements ordered by the common council and of paying for the same. Such executive board shall upon the first day of October, eighteen hundred and seventy-six, assume and thereafter have control of the water-works of said city and of furnishing the water to citizens, and of the care and repair of such works, and to that end shall have the powers granted to the board of water commissioners of said city by section three of chapter seven hundred and fifty-four of the laws of eighteen hundred and seventy-three, and to that end they may make such rules and regulations, establish such rates, and employ such assistance as they may deem proper. All moneys received from water rates or for the use of water shall, at the close of each day, be paid to the city treasurer, and after paying the expenses of the charge, care and repair of such works, shall be applied solely to the payment of the interest and principal of the water-works bonds of said city. No moneys shall be paid out of such receipts save on a vote of a majority of such executive board and on an order drawn by its clerk and approved by the mayor. Such executive board shall have control of the fire department of said city, and of the care and expense thereof, and is hereby vested with the powers heretofore vested in the common council of said city by sections two hundred and nineteen, two hundred and twenty-two and two hundred and twenty-three of this act, except that no fire engine shall be purchased or sold, and no engine-house built except by a resolution of the common council. Said board shall have control of the construction, improvement, repair and cleaning of streets, alleys, avenues, sewers and bridges, except bridges owned by the State of New York, and shall have control of the expenditures of the funds therefor; but whenever the expenses of any such work or improvement shall require to be defrayed by a local assessment, the common council of said city shall alone have power to pass any ordinance therefor, subject to the veto of the mayor, as hereinbefore provided, and in the manner and subject to the restrictions established by the charter of said city as hereby amended. A majority of said executive board shall constitute a quorum for any purpose. Said board may employ such assistance and establish such by-laws for its meetings and proceedings as it may see fit. Such board shall elect one of its own members as its clerk, who shall receive no additional compensation for his services. On or before the first day of June in each year, said board shall present to the common council a statement of the moneys needed by it for the fiscal year, specifying the purposes for which it shall be used. It shall be the duty of the common council to raise the sums so reported in the same manner as other general city taxes. All moneys paid under the order of such executive board shall be paid by virtue of an order on the treasurer of the city, drawn by the clerk of said board, under a resolution which must receive a vote of the

majority of all the members of said board, and be approved by the mayor of the city. The members of such board shall give their entire time to the duties of the office, and shall make monthly reports to the common council of all work done, contracts let and expenses incurred. They shall keep a record of their proceedings and of all receipts and expenditures, which shall be published in at least one daily paper in said city. Publication of proceedings.

§ 2. This act shall take effect immediately.

Chap. 87.

AN ACT to amend chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester."

Passed March 31, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester," is hereby amended so as to read as follows:

§ 4. The said receiver of taxes shall have an office for the receipt of taxes and assessments, in some suitable place in said town, designated by the supervisor thereof. Said office shall be kept open on each day of the week (Sundays and public holidays excepted) from nine o'clock in the morning until three o'clock in the afternoon, for three calendar months from and after the time of the delivery to the said receiver of the several tax and assessment rolls of said town and school districts. Receiver to keep an office. Office to be kept open.

§ 2. Section seven of said act is hereby amended so as to read as follows:

§ 7. After the expiration of sixty days from the delivery of the said tax and assessment rolls to said receiver, the taxes and assessments remaining unpaid shall be collected from the several persons and corporations from whom they are respectively due, and shall be collected in the manner following, to wit: the said receiver shall issue his warrant to the sheriff of the county, or any constable of said town, and the said sheriff or constable shall thereupon forthwith proceed to collect the same by distress, in the same manner as collectors of town taxes are now authorized by law to do, and the taxes or assessments so collected shall be paid by said sheriff or constable to said receiver immediately thereafter. The sheriff or constable in such cases shall be entitled to receive the same fees as now allowed by law to them in a levy and sale under execution for the collection of a judgment for debt, such fees to be collected by the said officer or officers in addition to the amount of taxes or assessments. Manner of collecting unpaid taxes. Fees.

§ 3. This act shall take effect immediately.

approve, conditioned for the faithful performance of his duties. Any of such board may be removed by the common council for official misconduct by a vote of two-thirds of all members elected to the said council, but notice in writing shall be given of the charges made, and he shall have an opportunity of being heard in his defense. The salary of each member of such board shall be two thousand dollars per year, and shall be paid by the city treasurer in the same manner as the salaries of officers elected by the common council. Such executive board shall have the sole power to let all contracts to be made by said city in pursuance of any ordinance, except such as are by law directed to be otherwise made, and shall superintend the execution of the same, and shall have superintendence and control of all work or improvements ordered by the common council and of paying for the same. Such executive board shall upon the first day of October, eighteen hundred and seventy-six, assume and thereafter have control of the water-works of said city and of furnishing the water to citizens, and of the care and repair of such works, and to that end shall have the powers granted to the board of water commissioners of said city by section three of chapter seven hundred and fifty-four of the laws of eighteen hundred and seventy-three, and to that end they may make such rules and regulations, establish such rates, and employ such assistance as they may deem proper. All moneys received from water rates or for the use of water shall, at the close of each day, be paid to the city treasurer, and after paying the expenses of the charge, care and repair of such works, shall be applied solely to the payment of the interest and principal of the water-works bonds of said city. No moneys shall be paid out of such receipts save on a vote of a majority of such executive board and on an order drawn by its clerk and approved by the mayor. Such executive board shall have control of the fire department of said city, and of the care and expense thereof, and is hereby vested with the powers heretofore vested in the common council of said city by sections two hundred and nineteen, two hundred and twenty-two and two hundred and twenty-three of this act, except that no fire engine shall be purchased or sold, and no engine-house built except by a resolution of the common council. Said board shall have control of the construction, improvement, repair and cleaning of streets, alleys, avenues, sewers and bridges, except bridges owned by the State of New York, and shall have control of the expenditures of the funds therefor; but whenever the expenses of any such work or improvement shall require to be defrayed by a local assessment, the common council of said city shall alone have power to pass any ordinance therefor, subject to the veto of the mayor, as hereinbefore provided, and in the manner and subject to the restrictions established by the charter of said city as hereby amended. A majority of said executive board shall constitute a quorum for any purpose. Said board may employ such assistance and establish such by-laws for its meetings and proceedings as it may see fit. Such board shall elect one of its own members as its clerk, who shall receive no additional compensation for his services. On or before the first day of June in each year, said board shall present to the common council a statement of the moneys needed by it for the fiscal year, specifying the purposes for which it shall be used. It shall be the duty of the common council to raise the sums so reported in the same manner as other general city taxes. All moneys paid under the order of such executive board shall be paid by virtue of an order on the treasurer of the city, drawn by the clerk of said board, under a resolution which must receive a vote of the

majority of all the members of said board, and be approved by the mayor of the city. The members of such board shall give their entire time to the duties of the office, and shall make monthly reports to the common council of all work done, contracts let and expenses incurred. They shall keep a record of their proceedings and of all receipts and expenditures, which shall be published in at least one daily paper in said city. Publication of proceedings.

§ 2. This act shall take effect immediately.

Chap. 87.

AN ACT to amend chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester."

Passed March 31, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester," is hereby amended so as to read as follows:

§ 4. The said receiver of taxes shall have an office for the receipt of taxes and assessments, in some suitable place in said town, designated by the supervisor thereof. Said office shall be kept open on each day of the week (Sundays and public holidays excepted) from nine o'clock in the morning until three o'clock in the afternoon, for three calendar months from and after the time of the delivery to the said receiver of the several tax and assessment rolls of said town and school districts. Receiver to keep an office. Office to be kept open.

§ 2. Section seven of said act is hereby amended so as to read as follows:

§ 7. After the expiration of sixty days from the delivery of the said tax and assessment rolls to said receiver, the taxes and assessments remaining unpaid shall be collected from the several persons and corporations from whom they are respectively due, and shall be collected in the manner following, to wit: the said receiver shall issue his warrant to the sheriff of the county, or any constable of said town, and the said sheriff or constable shall thereupon forthwith proceed to collect the same by distress, in the same manner as collectors of town taxes are now authorized by law to do, and the taxes or assessments so collected shall be paid by said sheriff or constable to said receiver immediately thereafter. The sheriff or constable in such cases shall be entitled to receive the same fees as now allowed by law to them in a levy and sale under execution for the collection of a judgment for debt, such fees to be collected by the said officer or officers in addition to the amount of taxes or assessments. Manner of collecting unpaid taxes. Fees.

§ 3. This act shall take effect immediately.

Chap. 88.

AN ACT in relation to the compensation of certain public officers in Long Island City.

Passed March 31, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Public
works
fund.

SECTION 1. The fund for the maintenance of the department of public works in Long Island City is hereby reduced from fifteen thousand dollars to thirteen thousand five hundred dollars, and the compensation of the commissioner of public works in said city is hereby reduced from twenty-five hundred dollars to one thousand dollars per annum.

Fund for
mainte-
nance of
mayor's
office.

§ 2. The fund for the maintenance of the mayor's office is hereby increased from two thousand dollars to thirty-five hundred dollars, out of which the mayor of said city shall receive a yearly salary of twenty-five hundred dollars, payable as other salaries in said city are now by law paid.

Present
salaries
not af-
fected.

§ 3. Nothing in this act contained shall be so construed as to increase, reduce, or in any way affect the salary or compensation of either of said officers who shall actually be in office at the time of the passage of this act.

§ 4. This act shall take effect immediately.

Chap. 89.

AN ACT to extend the time for the collection of town and county taxes in the town of Johnstown, Fulton county.

Passed March 31, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of town and county taxes now levied and uncollected in the town of Johnstown is hereby extended to the first day of May next; provided the collector of taxes shall pay over the money already collected by him, and renew his bond to the satisfaction of the county treasurer of Fulton county, and in such case the warrant shall continue in full force and effect until said first day of May.

§ 2. This act shall take effect immediately.

Chap. 90.

AN ACT to extend the time for the collection of taxes in the town of Volney, in the county of Oswego.

Passed March 31, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Volney, in the county of Oswego, is hereby extended to the first day of May, eighteen hundred and seventy-six, provided however that within ten days after the passage of this act, the said collector shall pay over all moneys by him collected, and renew his bond to the supervisor of the said town.

§ 2. This act shall take effect immediately.

Chap. 91.

AN ACT to confirm the proceedings of the town meeting held in Geneva, authorizing the raising of money for road and bridge purposes.

Passed April 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proceedings of the town meeting held in and for the town of Geneva on the seventh day of March, eighteen hundred and seventy-six, in relation to raising, by tax, the sum of four thousand five hundred dollars beyond any other amount allowed by law to be raised and expended in any one year for road and bridge purposes, are hereby declared to be valid and lawful, and shall be of the same force and effect as if such sum had been authorized by law to be raised at such town meeting, for such purpose.

SECTION 2. This act shall take effect immediately.

Chap. 92.

AN ACT to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office.

Passed April 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No election of trustees held in the year eighteen hundred and seventy-six, pursuant to an act entitled "An act to provide for the incorporation of villages," passed April twenty, eighteen hundred and seventy, and the act amendatory of said act, passed June ninth, eighteen hundred and seventy-four, shall be invalid on account of the failure of any of the electors at such election to designate in their ballots the respective terms of office of the persons voted for, for

Election
and class-
fication of
trustees.

trustees, but the persons for whom a majority of such votes shall have been cast shall be deemed duly elected trustees of such village, and such trustees shall, on or before the first day of May, eighteen hundred and seventy-six, meet together with the president of the village, and the said president shall, in their presence, determine by lot who of said trustees shall serve for one year and who of them for two years. If the number of trustees is three, or any other odd number, the smallest majority shall serve for two years, and the largest majority for one year. The president shall make and file in the office of the clerk a certificate stating the names of the said trustees and the term of office of each, as so determined.

§ 2. This act shall take effect immediately.

Chap. 93.

AN ACT providing for the union of the Griffith Institute with Union Free School district number one of the town of Concord, Erie county, and providing for the disposition of the fund bequeathed to the Griffith Institute.

Passed April 4, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Griffith
Institute,
and Union
Free
School, of
Concord.

SECTION 1. It shall be lawful for the Griffith Institute, an academy incorporated and located at Springville, Erie county, to be united to Union Free School district number one of the town of Concord, Erie county, as the academical department of said Union Free School. When so united, the same shall be a Union Free School, and shall be known as the "Griffith Institute and Springville Union School of the town of Concord."

Archibald
Griffith
fund, how
applied.

§ 2. The fund heretofore bequeathed to the said academy by Archibald Griffith, deceased, and known as the Griffith Institute fund of said academy shall thereafter be held, kept secured, and the interest and income thereof annually appropriated by the board of education of said "Griffith Institute and Springville Union School" to the academical department thereof, in the same manner as is required of the trustees of said academy by the provisions of the will of the said Archibald Griffith, deceased.

§ 3. This act shall take effect immediately.

Chap. 94.

AN ACT to authorize the sale of subdivision number twenty-three in block number fifty-one in the third ward of the city of Oswego, known as engine-house and lot number two.

Passed April 4, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sale of
lands au-
thorized.

SECTION 1. The common council of the city of Oswego is hereby authorized and empowered to sell subdivision number twenty-three in

block number fifty-one, in the third ward of the city of Oswego, known as engine house and lot number two, and being thirty-three feet front on Utica street by ninety-nine feet deep, and lying thirty-four feet west from Fourth street.

§ 2. On such sale being perfected, the mayor of the city of Oswego is hereby authorized to execute a proper conveyance, conveying the fee simple in said lot and premises to the purchaser or purchasers thereof, under his hand and the official seal of said city, to be attested by the city clerk. Mayor to execute deed.

§ 3. This act shall take effect immediately.

Chap. 95.

AN ACT to amend the sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes, concerning the allowance of writs of error in criminal cases.

Passed April 6, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixteenth section of title sixth of chapter two of the fourth part of the Revised Statutes, is hereby amended so as to read as follows:

§ 16. But no such writ of error shall stay or delay the execution of such judgment or of sentence thereon, unless the same shall be allowed by a justice of the Supreme Court in other than capital cases residing in the judicial department where the conviction was had upon two days' notice in writing to the district attorney of the county where the conviction shall have been had, and unless such writ of error shall contain an express direction that the same is to operate as a stay of proceedings on the judgment upon which such writ shall be brought. Writ of error as a stay of proceedings.

§ 2. This act shall take effect immediately.

Chap. 96.

AN ACT to amend chapter one hundred and eighty of the laws of eighteen hundred and forty-five, entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts.

Passed April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-nine of chapter one hundred and eighty of the laws of eighteen hundred and forty-five, is hereby amended so as to read as follows:

§ 29. Whenever any town collector shall have received any warrant for the collection of taxes, he shall immediately thereafter cause notices Collectors of town taxes to

post no-
tices.

of the reception thereof to be posted up in five public places in the ward or town, and so located as will be most likely to give notice to the inhabitants thereof, and shall designate in such notices one or more convenient places in such town, where he will attend from nine o'clock, forenoon, till four o'clock, afternoon, at least three days in each week for thirty days, which days shall also be specified in such notice, for the purpose of receiving payment of taxes; and it shall be the duty of such collector to attend accordingly, and any person may pay his taxes to such collector at the time and place so designated, or at any other time or place, on paying one per cent. fees thereon, within thirty days from the first posting of said notices; and no collector shall receive over one per cent. fees for receiving or collecting any taxes within said thirty days. But every such collector shall be entitled to receive one cent fees on every amount of tax under one dollar paid in or collected within said thirty days, except in cases where it is now otherwise provided by law.

Fees.

§ 2. This act shall take effect immediately.

Chap. 97.

AN ACT to amend chapter five hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act."

Passed April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 511,
Laws 1875,
amended.

SECTION 1. Section two of chapter five hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the commissioners of the town of Richford, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three, of the laws of eighteen hundred and sixty-six, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town, under and by virtue of said act," is hereby amended so as to read as follows:

Bonds of
town, how
disposed
of.

§ 2. The said commissioners may in their discretion, dispose of such bonds, or any part thereof, to such persons or corporations and upon such terms as they shall deem most advantageous for their said town, and at not less than their par value, and the money that shall be raised by the sale of said bonds shall, by the said commissioners, be applied to the payment of the bonds of said town heretofore issued under and by virtue of said chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six.

§ 2. This act shall take effect immediately.

Chap. 98.

AN ACT to legalize and confirm the official acts of Charles A. Dolson, as notary public, in the county of Allegany.

Passed April 7, 1876

The People of the State of New York, represented in Senate and Assembly do enact as follows:

SECTION 1. All acts and proceedings that have been done by Charles A. Dolson, formerly of the town of Angelica, in the county of Allegany, as notary public, since the thirtieth day of March, one thousand eight hundred and seventy-four, and prior to the thirtieth day of March, one thousand eight hundred and seventy-five, are hereby made as legal, and shall be held to be of the same force and validity, as if the term of office of said Charles A. Dolson, as such notary public, had not expired on the thirtieth day of March, one thousand eight hundred and seventy-four. Acts confirmed.

§ 2. This act shall not affect any action or proceedings now pending in any court of this State. Proceedings pending not affected.

§ 3. This act shall take effect immediately.

Chap. 99.

AN ACT to authorize the Patriot Orphan Home to convey certain real estate.

Passed April 7, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Patriot Orphan Home is hereby authorized to transfer and convey, in fee simple, for the nominal consideration of one dollar, unto the New York Infant Asylum, its successors and assigns forever, all and singular the real property now owned and possessed by the said Patriot Orphan Home, situated in the town of Flushing in the county of Queens.

Chap. 100.

AN ACT to amend chapter four hundred and forty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and to repeal its present charter."

Passed April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-three of chapter four hundred and forty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Gouverneur, in the county of St. Lawrence, and repeal its present charter" is hereby amended by adding after subdivision thirty-four subdivisions thirty-five and thirty-six, to read as follows:

Sewers
and
drains.
Lands
benefited.

Subdivision 35. The trustees may also, in their discretion, cause common sewers and drains to be made in any part of the village upon the application in writing, in each case of a majority of the resident owners of the lots along which the proposed sewer or drain is to be built, and may determine what share or proportion, if any, of the expense of the same shall be paid by the village and may apportion and assess the expenses thereof or the residue of such expenses upon the owner or owners of, or others interested in the buildings, tenements, lots and real estate, which they shall deem benefited thereby in proportion, as near as may be, to the benefits and advantages which each shall acquire thereby, and such assessments shall be binding and conclusive upon the owner or owners and others interested, and shall be a lien upon such lots and real estate. And for all such liens and charges the trustees shall issue their warrants and cause the same to be collected with interest from the date of the assessment in the same manner as other village taxes and assessments are collected. Any person in possession of any real estate under contract for the purchase thereof may in the discretion of the trustees be deemed the owner thereof for all the purposes of this act.

Assess-
ments
how col-
lected.

Lands
held on
contract.

Title to
village
park.

Subdivision 36. The trustees shall have power to acquire title by purchase or donation to the lands "known as the village Park." And such title shall be taken in the corporate name of the village, and such land shall be used for no other purpose than a village park.

§ 2. This act shall take effect immediately,

Chap. 101.

AN ACT to amend section five of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes.

Passed April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents and to provide for the sale of such lands for unpaid taxes," is hereby amended so as to read as follows:

Supervi-
sors, and
unpaid
taxes.

§ 5. If the taxes on any farm or lot of land assessed to a resident shall be returned as unpaid, in consequence of such premises becoming vacant by the removal of the occupant before the collection of the tax imposed thereon, or in default of goods and chattels of the occupant to satisfy such tax, or if the taxes on any land occupied by or used in connection with any railroad, which was assessed to any person, company or corporation, owning, operating or constructing such railroad, shall be returned as unpaid, the supervisor of the town or ward in which such land was assessed shall add a description thereof to the assessment roll of the next year in the part thereof appropriated to taxes on lands of non-residents, and shall charge the same with the uncollected tax of the preceding year; and the same proceedings shall be had thereon in all respects as if it was the land of a non-resident, and as if such tax had been laid in the year in which the description is

so added. The land occupied by or used in connection with any railroad assessed to any person, company or corporation owning, operating, or constructing such railroad, may be described in the following form:

“ a strip of land owned and occupied by the — railroad company, in the year —, extending about — feet on each side of the railroad track, and embracing the same, together with all the depots, stations, turnouts, switches and other improvements thereon and connected therewith, commencing at a point where such railroad track crosses the boundary line in entering the — ward of the city of —, or the town of —, and extending to the point where such track crosses the boundary line leaving such — ward of the city of —, or the town of —, or to the point of termination in the same, containing — acres more or less;” and when thus described, with the blanks in such form properly filled, on the Comptroller’s book of taxes, or advertised or sold for taxes, no other description thereof shall be deemed necessary; provided, that if the Comptroller shall believe that the interests of the State should be best subserved by selling the lands in lots or divisions, he shall be empowered to direct such surveys or to create such maps as may be made from titles to the same, so as to enable him to sell such lots by description sufficient to convey title thereto.

Descrip-
tion.

Comptrol-
ler may
sell in
parcels.

§ 2. This act shall take effect immediately.

Chap. 102.

AN ACT to repeal chapter two hundred and twenty-four of the laws of eighteen hundred and seventy-four, entitled “ An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled ‘ An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange Essex, Cayuga, Madison and Steuben, and chapter five hundred and thirty of the laws of eighteen hundred and seventy-five, entitled ‘ An act to amend an act and the title of an act entitled An act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled ‘ an act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben, passed April twenty-one, one thousand eight hundred and seventy-four,’ ” so far as the same relate to the county of Steuben.

Passed April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter two hundred and twenty-four of the laws of eighteen hundred and seventy-four, entitled “ An act to repeal chapter

four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben,' and chapter five hundred and thirty of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act and the title of an act, entitled 'an act to repeal chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled an act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to the counties of Clinton, Chenango, Seneca, Queens, Orange, Essex, Cayuga, Madison and Steuben, passed April twenty-one, one thousand eight hundred and seventy-four,'" are hereby repealed so far as they relate to the county of Steuben.

§ 2. This act shall take effect immediately.

Chap. 103.

AN ACT relating to the payment of assessments for local improvements in the city of New York.

Passed April 7, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payment
of assess-
ments for
improve-
ments.

SECTION 1. All assessments for local improvements, in the city of New York, confirmed prior to the first day of January, eighteen hundred and seventy-six, and which, at the time of the passage of this act, have been returned to the clerk of arrears for collection, may be paid at the option of the person liable to pay the same, in three equal installments, as follows: The first installment on or before the thirty-first day of December, eighteen hundred and seventy-six; the second installment on or before the thirty-first day of December, eighteen hundred and seventy-seven, and the third installment on or before the thirty-first day of December, eighteen hundred and seventy-eight, with interest at the rate of eight per cent. per annum thereon. But nothing contained in this section shall prohibit the person liable to pay an assessment, from paying the whole amount of such assessment in one payment if he may so desire.

In one
payment.

Enforce-
ment of
liens.

§ 2. No lien shall be enforced by said city for payment of said assessments, or any part or portion thereof, if payment of the same is made as hereinbefore provided.

Rights of
city.

§ 3. Nothing herein contained shall in any way affect the rights or remedies of the said city in relation to said assessments, and the recovery thereof, except that the payments may be made as herein provided. Upon a failure in the payment of said assessments as herein provided, the privileges by this statute conferred shall be forfeited, and the said assessments or the balance remaining unpaid, may, upon such forfeiture, be enforced as if this statute had never been passed.

§ 4. This act shall take effect immediately.

Chap. 104.

AN ACT to authorize the commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, to issue bonds for the purpose of raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act.

Passed April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the town of Newark Valley, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, and their successors, who may be hereafter appointed under and by virtue of said act, are hereby authorized, and it shall be lawful for them to borrow on the faith and credit of the said town of Newark Valley, a sum not exceeding one-half the amount of the bonds falling due in the year eighteen hundred and seventy-seven, and in each year thereafter, which have been heretofore issued, under the provisions of the said act, authorizing their issue; but all such bonds hereafter issued, under and by virtue of this act, shall not exceed in the aggregate the sum of twenty-two thousand dollars, and no bonds shall be issued by virtue of this act for a term extending beyond the year eighteen hundred and ninety-six, for the payment thereof, and at a rate of interest not exceeding seven per cent. per annum. The bonds so to be issued may be issued in such denominations, and payable at such places; and at such time or times, not extending beyond the time hereinbefore limited, and in such form as the said commissioners and their successors may, in their discretion, deem expedient. The bonds so issued shall be signed by the said commissioners and countersigned by the supervisor of the town of Newark Valley, who shall also keep an accurate account of their numbers, amount, and the time when they will become due and payable.

Issue of
new
bonds.

Limita-
tion of
amount.

Denomi-
nation of
bonds.

Counter-
signing of.

§ 2. The said commissioners may, in their discretion, dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms, as they shall deem most advantageous for the said town, but in no case for a less sum than the par value thereof; and the said commissioners shall apply the proceeds of the said bonds, so issued and negotiated, to the payment of the bonds of said town heretofore issued, under and by virtue of said chapter four hundred and thirty-three, of the laws of eighteen hundred and sixty-six, as they become due and payable, and for no other purpose whatever.

How dis-
posed of.

Proceeds.

§ 3. The bonds issued by virtue of this act shall be treated in all respects as though issued under the said act of eighteen hundred and sixty-six, and shall be governed in all respects by the provisions of said act, and the amendments thereto, and the duties of the commissioners of said town in respect thereto, shall be and continue the same in all respects as provided by said act, and the acts amendatory thereof. The bonds which may be redeemed and paid, shall in no case be reissued, for any purpose whatever; and they shall be cancelled by the said commissioners and delivered to the supervisor, and by him destroyed.

Act of
1866, and
present
issue.

Cancell-
ation of
bonds.

§ 4. This act shall take effect immediately.

Chap. 105.

AN ACT to amend chapter three hundred and twenty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend the incorporation of the village of Lancaster, in the county of Erie."

Passed April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighty-seven of chapter three hundred and twenty of the laws of eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Violation
of village
ordinance
how pun-
ished.

§ 87. All actions brought to recover any penalty or forfeiture for the violation of any village ordinance, by-law, rule or regulation imposed by said village corporation, shall be brought in the name of the corporation, and the first process in any such action may be a summons or warrant, and execution issue immediately on rendition of judgment; and if the defendant in any such action has no goods or chattels whereof the judgment can be collected, the execution shall direct the defendant therein to be imprisoned in the Erie county penitentiary, there to be kept at hard labor for a period of time equal to one day for each and every dollar of said judgment, including the costs and fees of the constable on said execution. And the keeper of said Erie county penitentiary is hereby required to take and safely keep, at hard labor as aforesaid, all persons so delivered to him on execution, for the period of time designated therein, unless said execution and the costs thereof be paid, or the defendant therein be discharged by law; and no person shall be an incompetent judge, justice, juror or witness, in any action in which the said village is a party or is interested, by reason of his being an inhabitant or owner of personal or real estate therein.

Owners
of, compe-
tent to sit
as jurors,
etc.

§ 2. This act shall take effect immediately.

Chap. 106.

AN ACT to amend chapter three hundred and twenty-eight, of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act to provide for an additional supply of water in the city of Albany, passed March twentieth, eighteen hundred and sixty-eight."

Passed April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and twenty-eight of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled an act to provide for an additional supply of water in the city of Albany," passed March twentieth, eighteen hundred and sixty-eight, is hereby further amended so as to read as follows:

SECTION 1. Section four of the act entitled "An act to provide for

an additional supply of water in the city of Albany," passed March twenty, eighteen hundred and sixty-eight, is hereby amended so as to read as follows:

§ 4. The common council are hereby authorized to raise by loan, from time to time, a sum not exceeding in the aggregate, seven hundred thousand dollars, by the creation of a public fund or stock, to be called "the water stock of the city of Albany," which shall bear an interest not exceeding seven per cent per annum, and the principal be payable, not exceeding thirty-five years from the time of issuing any such stock; and the said common council, when sufficient means, in their opinion, can be provided, as they may be needed, and the plan submitted has been ratified and approved, may direct the prosecution of the work.

Author-
izing loan
for water
stock
fund.

§ 2. The additional amount to be raised by this act the water commissioners of the city of Albany shall apply to the building of a supplemental reservoir in the city of Albany, and the extension and improvement of the water-works in said city, and in payment for the work, labor, materials and machinery necessary for such purposes.

Applica-
tion of
funds.

§ 3. This act shall take effect immediately.

Chap. 107.

AN ACT to repeal chapter two hundred and thirty-five of the laws of eighteen hundred and sixty-one, entitled "An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany," and in relation to committals to the police station in said village of West Troy.

Passed April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and thirty-five of the laws of eighteen hundred and sixty-one, entitled "An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany," is hereby repealed.

§ 2. Any court or officer of the town of Watervliet, or any village therein, may commit any person charged with or convicted of crime to the police station in the village of West Troy in any case in which such court or officer is or may be authorized by law to commit such person to the common jail of the county of Albany, and in any case in which it has heretofore been lawful to commit such person to the jail or lock-up in said village of West Troy. The officer in charge of said police station is hereby authorized and required to receive any such person so committed and retain him in custody in accordance with such committal.

Commit-
ments to
Albany
county
jail.

Chap. 108.

AN ACT to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,'" passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State.

Passed April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act passed April eighteenth, eighteen hundred and fifty-nine, entitled 'An act to extend the provisions of an act authorizing the imprisonment of persons convicted of certain crimes in the counties of Montgomery and Oneida, in the Albany county penitentiary,'" passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this State, is hereby amended so as to read as follows:

Commit-
ments to
Albany
peniten-
tiary.

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced, in the several counties of this State, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in such penitentiary, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of such penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant, duly signed by the presiding judge, or justice or clerk of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith and by the most direct route conveyed by some proper officer to such penitentiary.

§ 2. Section three of said act is hereby amended so as to read as follows:

Duties of
sheriffs,
etc.

§ 3. It shall be the duty of the sheriffs, deputy sheriffs, constables or policemen in and for the several counties of this State, to whom any warrant of commitment for that purpose may be directed by any court or magistrate in this act mentioned, to convey forthwith such person so sentenced, to the penitentiary referred to in the second section of this act, and there deliver such person to the keeper of such penitentiary, whose duty it shall be to receive such persons, so sentenced, during the continuance of said agreement, authorized by the first section of this act, to be there safely kept and employed, according to the rules and discipline of such penitentiary; and the officers thus conveying such convicts so sentenced, shall be paid such fees and expenses therefor, as the several boards of supervisors of the several counties of this State shall prescribe and allow.

Fees.

§ 3. This act shall take effect immediately.

Chap. 109.

AN ACT to enable the commissioners of the alms-house of the city of Kingston to borrow a sum not exceeding five thousand dollars, and to provide for the payment thereof.

Passed April 11, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the alms-house of the city of Kingston, are hereby authorized to borrow such necessary sum or sums, not exceeding five thousand dollars in the aggregate, as may be authorized by the common council of said city for the relief of the poor in said city during the present year.

§ 2. The common council of said city shall add to and collect with the next general city tax to be levied and collected in said city, a sum sufficient to pay the principal and interest of the amount so borrowed, and the said sum as soon as may be, after its collection, shall be used for that purpose.

§ 3. This act shall take effect immediately.

Chap. 110.

AN ACT supplemental to chapter sixty of the Laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies," and of the several acts amendatory thereof.

Passed April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any diocesan convention, presbytery classis, synod, annual conference, or other governing body having jurisdiction over a number of churches, congregations or societies of any church or religious denomination in this State, now or hereafter to be constituted or established, and not already incorporated, at any stated meeting thereof, by a plurality of voices, to elect any number of discreet persons, not less than three nor exceeding nine in number, as trustees to take charge of the estate and property belonging thereto, and to transact all affairs relating to the temporalities thereof. The presiding officer and clerk of such governing body shall immediately thereafter certify, under their hands and seals, the names of the persons elected as trustees as aforesaid, in which certificate the name or title by which the said trustees and their successors shall be known, shall be particularly mentioned, which said certificate, being duly acknowledged by the said presiding officer and clerk, shall be recorded by the clerk of one of the counties situated in whole or in part, within the bounds of the jurisdiction of such governing body, or in the book kept for the record of religious corporations; and such trustees and their successors shall thereupon, by virtue of this act, be a body corporate, by the name or title expressed in such certificate.

Trustees of religious governing bodies how elected.

Presiding officer and clerk to certify, etc.

Certificate to be acknowledged and recorded.

Holding
property,
etc.

§ 2. Such trustees shall be capable of taking for religious, educational and charitable purposes, by gift, devise, bequest, grant or purchase, and of holding and disposing of the same, any real and personal estate held for the benefit of any such governing body, or of any parish, congregation, society, church, chapel, mission, religious, benevolent, charitable or educational institution, existing or acting under such governing body at the time of their election, or which had then or may thereafter be given for any such purposes, provided that the net yearly income received from the said property shall not at such time exceed the sum of twenty-five thousand dollars.

Disposi-
tion of
property
of extinct
parishes.

§ 3. Whenever any parish, church, congregation or religious society in connection with any such governing body shall become extinct by reason of the death or removal of its members, it shall be lawful for the trustees elected by such body as aforesaid to take possession of the temporalities and property belonging to such extinct church or organization, and manage and dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act.

Term of
office.

§ 4. The trustees elected by virtue of this act shall hold their offices at the pleasure of the governing body by whom they are elected, and all vacancies shall be filled by such body as they occur.

Chap. 111.

AN ACT to amend chapter eight hundred and thirty-five of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the Catskill Agricultural and Horticultural Association."

Passed April 11, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of chapter eight hundred and thirty-five of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the Catskill Agricultural and Horticultural Association," is hereby amended so as to read as follows:

Directors,
number,
and choos-
ing of.

§ 5. The directors of this association shall be nine in number, and shall be chosen by the stockholders, annually, on the second Tuesday of January, at such time in the day, and place in the village of Catskill, as the directors for the time being may appoint. In case the stockholders have heretofore failed, or shall hereafter fail, to choose directors at any annual meeting, the directors may be chosen at any special meeting of the stockholders. Special meetings of the stockholders may be called by the president or secretary, or by any two directors, by publishing a notice once in each week four successive weeks, in a newspaper published in said village, specifying the time in the day, and place in the village of Catskill, of such meeting. The directors so chosen shall hold their office until the next annual meeting and until others are elected or appointed.

Special
meetings.

Term of
office.

§ 2. Section six of said act is hereby amended so as to read as follows:

Votes of
stockhold-
ers.

§ 6. At the annual, or any special meeting of the stockholders, each stockholder shall be entitled to one vote for each share of stock owned

by him, and the said directors, or in case of a failure on their part to appoint, then the stockholders present, shall appoint a board of inspectors of election, to consist of three persons, who shall receive and canvass the votes, and certify the result to the directors. The directors shall fill any vacancy occurring by resignation or otherwise, in the board of directors; they shall choose a president from their own number, and appoint such number of vice-presidents, a secretary, a treasurer, and such other officers as their by-laws shall require, and who shall hold their respective offices during the pleasure of the board.

Vacancies.

Organization.

§ 3. This act shall take effect immediately.

Chap. 112.

AN ACT to amend chapter eight hundred and thirty-two of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Central Trust Company of New York," passed June twenty-five, eighteen hundred and seventy-three.

Passed April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter eight hundred and thirty-two of the laws of eighteen hundred and seventy-three, entitled "An act to incorporate the Central Trust Company of New York," passed June twenty-fifth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 4. "On any sum of money not less than one hundred dollars, which shall be collected or received by the said company in its capacity of guardian or receiver or depositary of moneys in court, an interest shall be allowed by the said company of not less than the rate of three per cent. annually, which rate of interest shall continue until the moneys so received shall be duly expended or distributed."

Interest allowed on certain moneys.

§ 2. This act shall take effect immediately.

Chap. 113.

AN ACT to release the right, title and interest of the People of the State of New York of, in and to certain real estate of which John Boston died seized, to Charity Peterson, formerly Charity Boston, his widow.

Passed April 11, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York of, in and to all that certain piece or parcel of land situate, lying and being in the town of Newtown, county of Queens and State of New York, and which was conveyed to John Boston, late of said

Release of interest of State to Charity Peterson.

town of Newtown, deceased, in his lifetime, by Mary Hogg, by deed bearing date the second day of July, in the year eighteen hundred and forty-seven, and recorded in the office of the clerk of the county of Queens on the said second day of July, in the year eighteen hundred and forty-seven, in liber. seventy-two of deeds, page one hundred and ninety-four, together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, and whereof the said John Boston died siezed, is hereby released to Charity Peterson, formerly Charity Boston, his widow, her heirs and assigns forever.

Certain
parties not
affected.

§ 2. Nothing herein contained shall affect any right, claim or interest of any purchaser, heir at law or devisee, or of any creditor by mortgage, judgment or otherwise, in the said real estate.

§ 3. This act shall take effect immediately.

Chap. 114.

AN ACT to release lands which have escheated to the State, to Catharine Will, widow of Charles Will, late of the city of Albany, New York.

Passed April 11, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Release of
interest of
State to
Catharine
Will.

SECTION 1. All the estate, right, title and interest of the People of the State of New York, of, in and to all that certain lot or parcel of land, and the buildings thereon erected, situate, lying and being in the city of Albany, county of Albany, and State of New York, and described as follows: All that certain lot of ground with the building thereon, situate, lying and being in the second ward of the city of Albany, which said lot is known and distinguished, on a map made by Philip Hooker, city surveyor, for John Woodworth, as lot number ten, being the subdivision of great lot number ten of Schuyler's farm. Said lot is bounded on the west by Broad street, on the north by great lot number ten, on the east by subdivision lot number one of great lot number ten, and on the south by great lot number eleven, being in width front and rear thirty-three feet, and in depth sixty feet and being the same premises conveyed to said Charles Will by Abiram North and Salina M., his wife, by deed, dated November twenty-second, eighteen hundred and sixty-five, and recorded in the office of the clerk of Albany county, in book of deeds, number one hundred and ninety-nine, on page one hundred and sixty-three etc., and which escheated to the State of New York, upon the death of Charles Will, late of the city of Albany, are hereby released to Catharine Will, widow of the said Charles Will, and to her heirs and assigns forever. And the said Catharine Will is hereby authorized and empowered to hold, sell, convey, mortgage and devise the same, in the same manner and with like effect as if she were a citizen of the United States of America.

Certain
parties
not af-
fected.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest in the said real estate of any heir at law, devisee or grantee of the said Charles Will, or any creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

Chap. 115.

AN ACT to facilitate the settlement of bills of exceptions in criminal actions.

Passed April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever in any criminal action, or criminal proceeding, Court not tried before any court, any party shall be entitled to have a bill of exceptions, the same may be settled, signed and sealed by the presiding judge, or the presiding justice of the court, before whom the same may be tried, either before the adjournment or after the adjournment of the said court; and it shall not be necessary that such court shall be in session at the time of such settling, signing and sealing; but the same may be done after the final adjournment of such court. necessary to be in session.

§ 2. This act shall take effect immediately.

Chap. 116.

AN ACT to amend chapter one hundred and fifty-eight, of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and thirty-six, of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York."

Passed April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter one hundred and fifty-eight, of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and thirty-six, of the laws of eighteen hundred and seventy-two, entitled an act to regulate places of public amusement in the city of New York," is hereby amended so as to read as follows:

SECTION 1. Section nine of chapter eight hundred and thirty-six, of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York," is hereby amended so as to read as follows:

§ 9. The provisions and requirements of said act shall not be held to apply to any building, hall, room or rooms, in which only private theatricals, tableaux and other exhibitions for charitable and religious purposes are given, nor to the manager or managers of exhibitions given by amateurs for the benefit of any church, mission, parish or Sunday school or for any other charitable or religious purpose, nor shall the same be held to apply to the masonic temple in New York, or the trustees of the masonic hall and asylum fund, so long as the revenues of said temple shall continue to be applied to the use of the masonic hall and asylum fund, or other charitable purpose. Charitable and religious exhibitions excepted.

§ 2. This act shall take effect immediately.

Chap. 117.

AN ACT to amend chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Maritime Association of the Port of New York."

Passed April 11, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-four, entitled an "An act to incorporate the Maritime Association of the Port of New York," is hereby amended so as to read as follows:

Power of
corpora-
tion.

Member-
ship.

Manage-
ment.
Direc-
tors.

How
chosen.

Vacancies
filled.

Annual
election.

§ 3. The corporation may fix by by-laws, the requisites of membership and the time and manner of election thereto, and the amount and time of payment of the fees and dues thereof, and it may increase or diminished the same at pleasure; and all persons who may be elected to membership, in the manner provided by the said by-laws, may become members thereof upon payment to the treasurer of the fees and dues as prescribed by said by-laws, and upon signing this act of incorporation.

§ 2. Section four of said act is hereby amended so as to read as follows:

§ 4. The property, affairs, business and concerns of the said corporation hereby created, shall be managed by a board of directors, consisting of twenty-one members and the president, vice-president, treasurer, and secretary of said corporation, whose several duties shall be described by the by-laws, all of whom shall be chosen by ballot from the members of said corporation, and shall hold their offices for one year, and until others shall be elected in their stead; but the said corporation may by a majority vote at a special meeting thereof, to be called in such manner as may be provided by the by-laws, for calling special meetings thereof, and to be held at any time not less than two months previous to the time fixed by this section for the election of officers change the manner of election, and the terms of office of the members of said board of directors then next to be chosen, exclusive of said president, vice-president, secretary and treasurer, so that they shall be so classified as to their terms of service, either by lot after election, or otherwise, that one-third of their number shall go out of office at each annual election thereafter, and if such change shall so be made, then at each succeeding election directors shall only be voted for, in place of those whose terms shall expire under the classification aforesaid. The present officers and directors of said association as the same is now constituted, shall be the officers and directors of the said corporation until their present terms of service shall expire, and until others under the provisions of this act shall be chosen in their stead. All vacancies which may occur in the said offices or board by death, resignation or otherwise, shall be filled by the board of directors for the remainder of the term, from members of the corporation; and the officers and directors to be hereafter elected shall be so chosen at an annual election of said corporation, to be held on the second Monday in January of each year, and the annual meeting of said corporation shall be held on the same day, at such time and place to be prescribed by the by-laws.

§ 3. Section five of said act is hereby amended so as to read as follows:

§ 5. The board of directors shall have power to appoint such clerks, attorneys, counsel, and other agents, as may be deemed necessary to protect the interests of the corporation and its members, or to further the objects for which the said corporation was organized, and annually to appoint an arbitration committee from the members of the corporation, consisting of ten persons, who shall not be directors or officers thereof, and whose powers and duties shall be prescribed by the by-laws. It shall also be the duty of said board of directors to have the general care and supervision of all matters affecting the rights and interests of the corporation; to consider and bring to its notice, at regular and special meetings all subjects that may require the action of said corporation, and to consider and report on all matters that may be referred to it by the said corporation. Seven members of such board shall constitute a quorum for the transaction of business.

Appoint-
ment of
certain of-
ficers.

Duties of
directors.

Quorum.

§ 4. This act shall take effect immediately.

Chap. 118.

AN ACT in relation to wills of personal estate.

Passed April 11, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every will and other testamentary instrument made out of the State of New York, and within the United States of America, the Dominion of Canada, or the Kingdom of Great Britain and Ireland, whatever may be the domicile of the person making the same or at the time of making the same, or at the time of his or her death, shall, as regards personal estate, be held to be well executed for the purpose of being admitted to probate in the State of New York, if the same be made according to the forms required either by the law of the place where the same was made or by the law of the place where such person was domiciled when the will was made or by the laws of the State of New York.

Execution
of wills of
personal
estate.

§ 2. Every will and other testamentary instrument made within the State of New York, whatever may be the domicile of the person making the same at the time of making the same, or at the time of his or her death shall, as regards personal estate, be held to be well executed, and shall be admitted to probate in the State of New York if the same be executed according to the forms required by the laws of this State.

All wills of
personal
property
made in
this State
good.

§ 3. No will or other testamentary instrument shall be held to have become invalid, nor shall the construction thereof be altered by reason of any subsequent change of domicile of the person making the same.

Will not
affected
by change
of domi-
cile.

§ 4. Nothing in this act contained shall invalidate any will or other testamentary instrument as regards personal estate which would have been valid if this act had not been passed except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this act.

Present
wills not
invali-
dated by
this act.

§ 5. This act shall extend only to wills and other testamentary instruments made by persons who die after the passage of this act.

§ 6. This act shall take effect immediately.

Chap. 119.

AN ACT to extend the time within which the Brooklyn Guaranty and Indemnity Company, a corporation created under chapter four hundred and eighty-one of the laws of eighteen hundred and seventy-four, may commence the transaction of its business.

Passed April 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time within which the Brooklyn Guaranty and Indemnity company, a corporation created by and under chapter four hundred and eighty-one of the laws of eighteen hundred seventy-four, may commence the transaction of its business, is extended for two years from and after the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 120.

AN ACT to authorize the common council of the city of Oswego to assess, levy and collect an additional contingent fund for the year eighteen hundred and seventy-six, and to prescribe the manner in which the voters of said city shall signify their assent thereto.

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Extra tax
levy.

SECTION 1. The common council of the city of Oswego is hereby authorized and required to add to the general city assessment roll of the city of Oswego for the year eighteen hundred and seventy-six, and at no other time, a sum equal to three-quarters of a mill on each and every dollar of the assessed valuation of the real and personal property in the city of Oswego for the year of eighteen hundred and seventy-six, and which sum shall be in addition to the amount now authorized by law for the contingent fund of said city, and shall be added to said fund, and the same shall be levied, assessed and collected in the same manner as are other expenses of said city, and disbursed and paid out in such sums and in such manner as the common council of said city shall direct; provided, however, that the powers, authority and direction conferred by this section shall only be executed and exercised whenever a majority of the tax-payers of the city of Oswego, at an election to be held in said city, at such time and place as said common council may direct, present and voting at said election, shall signify their assent thereto; of which election the common council shall publish a notice.

Consent of
a majority
of taxpay-
ers neces-
sary.

Ballots.

The ballots to be voted at such election shall be paper tickets on which shall be written or printed, "For additional tax," or "Against additional tax," and at the close of the polls the inspectors shall canvass the votes so received and shall make returns thereof to the city clerk, who shall present such returns at the first meeting of the common

council after the reception of such returns by him. The common council shall thereupon proceed to determine from such returns whether or not a majority of said votes have been cast "For additional tax," and such determination shall be signed by all the members present and entered on the minutes. If by such determination it shall appear that a majority of such votes have been cast "For additional tax," then it shall be lawful for said common council of said city to anticipate such additional tax in such sums and at such time or times as said common council shall direct, and to execute such notes or obligations as it may direct but not payable beyond the time or times when such additional tax shall be collected or realized. Canvass of votes. Issuing of notes, etc.

§ 2. The said common council of the city of Oswego is hereby authorized and directed to publish notices in two daily papers published in the city of Oswego, for a period not less than ten days prior to said election, stating the purpose of said election, and the time and place of holding the same, and to appoint such inspectors of election and clerks as shall be necessary. Notices to be published.

§ 3. In case the majority of the votes given at the election hereinbefore mentioned shall be "Against additional tax," then this act shall thereupon become and be wholly void and of no effect. Tax not voted, law inoperative.

§ 4. This act shall take effect immediately.

Chap. 121.

AN ACT regulating the appointment of trustees of the State Homœopathic Asylum for the Insane at Middletown.

Passed April 14, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever vacancies shall occur in the board of trustees of the State Homœopathic Asylum for the Insane at Middletown, the Senate shall appoint, on the nomination of the Governor, proper persons to fill such vacancies; and the acceptance of the office of trustee, by the persons thus appointed, shall be a pledge that they will maintain the homœopathic mode of medical treatment in the said asylum. Vacancies, how supplied.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Chap. 122.

AN ACT to prevent and punish wrongs to children.

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person having the care, custody or control of any child under the age of sixteen years, who shall exhibit, use, or employ, or who shall in any manner, or under any pretense, sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, Use, exhibition or employment of children in certain

service de-
clared a
misdeme-
anor.

Excep-
tions.

in or for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope, or wire walking, dancing, begging, or peddling, or as a gymnast, contortionist, rider or acrobat, in any place whatsoever; or for or in any obscene, indecent or immoral purpose, exhibition, or practice whatsoever; or for or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of such child; or who shall cause, procure, or encourage any such child to engage therein, shall be guilty of a misdemeanor. Nothing in this section contained shall apply to or affect the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning the science or practice of music; nor the employment of any child as a musician at any concert or entertainment, on the written consent of the mayor of the city or president of the board of trustees of the village where such concert or entertainment shall take place.

§ 2. Every person who shall take, receive, hire, employ, use, exhibit, or have in custody any child under the age, and for any of the purposes mentioned in the first section of this act, shall be guilty of a misdemeanor.

Power of
courts.

§ 3. When, upon examination before any court or magistrate, it shall appear that any child, within the age previously mentioned in this act, was engaged or used for, or in any business, or exhibition or vocation, or purpose specified and as mentioned in this act; and when, upon the conviction of any person of a criminal assault upon a child in his or her custody, the court or magistrate before whom such conviction is had shall deem it desirable for the welfare of such child that the person so convicted should be deprived of its custody thereafter, such court or magistrate may commit such child to an orphan asylum, charitable or other institution, or make such other disposition thereof as now is or hereafter may be provided by law in cases of vagrant, truant, disorderly, pauper or destitute children.

Willfully
endanger-
ing lives
of chil-
dren.

§ 4. Whoever, having the care or custody of any child, shall willfully cause or permit the life of such child to be endangered, or the health of such child to be injured; or who shall willfully cause or permit such child to be placed in such a situation that its life may be endangered, or its health shall be likely to be injured, shall be guilty of a misdemeanor.

Fines.

§ 5. All fines, penalties, and forfeitures imposed and collected in any county in this State, under the provisions of this and of every act passed, or which may be passed, relating to or affecting children, in every case where the prosecution shall be instituted or conducted by a society incorporated pursuant to the provisions of chapter one hundred and thirty of the laws of eighteen hundred and seventy-five, being an act entitled "An act for the incorporation of societies for the prevention of cruelty to children," shall, except where otherwise provided, inure to such society in aid of the purposes for which it was incorporated.

§ 6. Nothing herein contained shall be construed as affecting the punishment of offenses under chapter one hundred and sixteen of the laws of eighteen hundred and seventy-four, entitled "An act in relation to mendicant and vagrant children."

Chap. 123.

AN ACT to amend chapter seventy-two of the laws of eighteen hundred and seventy-six, entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage house in said city."

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter seventy-two of the laws of eighteen hundred and seventy-six, entitled "An act to authorize the common council of the city of Lockport to raise by tax and disburse money in rebuilding Washington Hose carriage house in said city," is hereby amended so as to read as follows:

SECTION 1. The common council of the city of Lockport may, in the year eighteen hundred and seventy-six raise by general tax on the property of said city, and with the other taxes raised therein in said year the sum of three thousand five hundred dollars, or so much thereof as may be necessary to be used and expended in building a hose carriage house in the First ward of said city. Authorizing tax for hose-carriage house in first ward.

§ 2. Section two of this act is hereby amended so as to read as follows:

§ 2. The common council of said city is hereby authorized and empowered to sell and convey to such person or persons, for such price and on such terms and conditions of payment as it shall deem proper, the premises now occupied by Washington Hose Company as a hose carriage house, and with the proceeds thereof to purchase such other real estate in the First ward of said city as it may deem most desirable and proper for the purpose, and erect thereon a hose carriage house for the use of, and to be used by said Washington Hose Company, until otherwise ordered by said common council. Sale of Washington hose company premises authorized.

§ 3. This act shall take effect immediately.

Chap. 124.

AN ACT to confirm the official acts of William C. Williams, justice of sessions for the county of Yates, and to enable him to take and file his oath of office.

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts done by William C. Williams as justice of sessions for the county of Yates, since the commencement of the term of office for which he was elected, to wit, the first day of January, eighteen hundred and seventy-six, are hereby declared as valid and of as full effect as if he had taken and filed his oath of office required, Acts as justice of sessions legalized.

Oath of
office.

Rights not
affected.

within the time required by law; and the said William C. Williams may, within ten days after the passage of this act, take and file his official oath as justice of sessions of said county of Yates, and he shall thereupon be entitled to enter upon and discharge the duties of said office during the remainder of said term. But this act shall not affect the rights of any party to any suit or proceeding commenced previous to its passage.

§ 2. This act shall take effect immediately.

Chap. 125.

AN ACT to repeal chapter eight hundred and sixty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany."

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter eight hundred and sixty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to provide for the erection of a town hall in the town of Watervliet, in the county of Albany," is hereby repealed.

§ 2. This act shall take effect April first, eighteen hundred and seventy-seven.

Chap. 126.

AN ACT to authorize the city of Binghamton to provide for the deficiency in the fire department fund of said city, and to liquidate the indebtedness of said department

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax an-
thorized
for indebt-
edness of
fire de-
partment.

Funds to
be kept
separate.

SECTION 1. The common council of the city of Binghamton is hereby authorized to levy and collect in the year one thousand eight hundred and seventy-six, in like manner as other taxes are levied and collected, in addition to the sums it is now authorized to raise for city purposes, the sum of five thousand five hundred dollars to pay the deficiency in the fire department fund and to liquidate the indebtedness of said fire department. Said money when raised shall be kept a separate and distinct fund by the city treasurer of said city, to be applied to the purposes specified in this act, and no other.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT giving certain powers to the trustees of the De Witt Cemetery Association.

Passed April 14, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the De Witt Cemetery Association in the town of De Witt, and county of Onondaga, are hereby authorized to take charge of the ground situated in the old town cemetery of said town, and fence, preserve and beautify the same, and to lay out roads and walks through the same, in conformity with the roads and walks in the adjoining grounds of said cemetery association, but interfering as little as possible with any graves existing in such old grounds. If in such laying out it shall be necessary to remove the remains of any person interred therein, such remains shall be re-buried, at the expense of said association, as near as possible to the remains of the relatives of such persons; and no road or walk shall be laid out through any family lot without the consent of the persons having relatives buried therein.

Powers of trustees.

Expense of removal of remains.

Family lots not to be molested without consent.

§ 2. This act shall take effect immediately.

Chap. 128.

AN ACT to amend chapter forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled an act to amend and consolidate the charter of the village of Middletown, passed March thirty-first, eighteen hundred and sixty-six."

Passed April 14, 1876, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of title fifth, chapter forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act, entitled 'An act to amend and consolidate the charter of the village of Middletown, passed March thirty-one, eighteen hundred and sixty-six,'" which act was passed February seventeenth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 1. The board of trustees shall cause an estimate to be made of the various sum or sums of money required for paying the principal and interest of the public debt of said village; for paying the salaries of officers and employes; of working and keeping in repair the public streets; of building and repairing bridges, and all such further sum or sums that may be required during any one year for carrying on the affairs of such corporation as authorized by the provisions of this act or charter, and raise such sum or sums by special or general tax, provided that the consent of a majority of taxable inhabitants of said village, present and authorized to vote, and voting, at an annual or special meeting called for that purpose, be first obtained. Every male resident of said village, of the age of twenty-one years, and a legal voter, upon whose property or upon whom, as the owner or possessor of

Provision for paying certain expenses.

To be submitted to a vote of the taxpayers.

Qualifica-
tion of
voters.

Assess-
ment.

property, a tax will be chargeable for the purpose of raising such sum or sums, and no other person, shall be entitled to vote at such meeting. Every executor, administrator, trustee, devisee, heir or guardian, as the possessor or representative of property so chargeable, shall be considered a qualified voter as aforesaid. All taxes authorized to be assessed in said village in any one year shall, if practicable, be included in one assessment.

§ 2. This act shall take effect immediately.

Chap. 129.

AN ACT to confirm the action of the trustees of the Baptist society of the town of Victory, county of Cayuga, in conveying burial grounds to the trustees of the Victory Union Cemetery Association.

Passed April 18, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Deed con-
firmed.

SECTION 1. The sale and conveyance, by deed, dated the twenty-second day of February, eighteen hundred and seventy-six, and recorded in Cayuga county clerk's office at Auburn, New York, on the third day of March, eighteen hundred and seventy-six, in liber one hundred and forty-four of deeds, at page five hundred and thirty-one, from the trustees of the Baptist society of the town of Victory, county of Cayuga, by and with the consent of said church and society of the Victory burying ground, near the village of Victory, owned by said Baptist church and society, to the trustees of the Victory Union Cemetery association, is hereby confirmed, and the said sale and conveyance is declared as valid and effectual as if the said trustees, at the time of said sale and conveyance, had full power and authority to make the same.

§ 2. This act shall take effect immediately.

Chap. 130.

AN ACT to provide for the appointment of an additional number of Notaries Public.

Passed April 18, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
notaries
public.

SECTION 1. The Governor is hereby authorized and empowered, by and with the advice and consent of the Senate, to appoint in each county, except the city and county of New York, notaries public equal to ten for each Assembly district, and in the said city and county two hundred and fifty notaries public, in addition to the number now allowed by law; provided, however, that in each county which is a single Assembly district the additional number of notaries public be fifteen.

§ 2. This act shall take effect immediately.

Chap. 131.

AN ACT to enable the city of Brooklyn to construct a public building.

Passed April 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Brooklyn are hereby authorized and empowered to build a public building, to be used for municipal purposes, and to acquire land therefor, for the uses of the city of Brooklyn, in such manner and under such supervision as said common council may determine, at an expense not exceeding two hundred thousand dollars, exclusive of the cost of said land. And for such purpose the financial officers of said city are authorized and directed to pay out of any moneys in the city treasury of said city of Brooklyn the cost and expense of said building, and of the acquisition of said land therefor, as directed by the common council, anything in any law heretofore passed to the contrary notwithstanding.

Construction authorized.

Limitation of expense.

Payment, how made.

§ 2. For the purposes of reimbursing the treasury of the city, the proper authorities are directed to insert said amount in the budget or tax levy to be laid on the property in said city during the years one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, in three equal annual installments.

Reimbursement of city treasury.

§ 3. This act shall take effect immediately.

Chap. 132.

AN ACT to amend sections fifty and fifty-one of article fifth of title one of chapter fifteen of the first part of the Revised Statutes in regard to trustees of incorporated colleges and academies.

Passed April 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty of article fifth of title one of chapter fifteen of the first part of the Revised Statutes, is hereby amended so as to read as follows:

§ 50. No professor or tutor of any incorporated academy shall be a trustee of such academy.

Professors or tutors not to be trustees.

§ 2. Section fifty-one, article fifth, title one, chapter fifteen, part first of said Revised Statutes is hereby amended so as to read as follows:

§ 51. No president, professor or tutor of any incorporated college, or principal of any incorporated academy who shall be a trustee, shall have a vote in any case relating to his own salary or emoluments.

Salary, etc.

§ 3. This act shall take effect immediately.

Chap. 133.

AN ACT to provide for the removal of certain officers, and to amend proceedings in relation thereto.

Passed April 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County
treas-
urers,
superin-
tendents
of poor
and nota-
ries pub-
lic, re-
moval of
Officers
charged
with mis-
conduct
to be serv-
ed with
copy of
charges.

SECTION 1. The Governor may remove any county treasurer, county superintendent of the poor, or notary public for misconduct or malversation in office at any time within the term for which such officer shall have been appointed or elected, giving to him a copy of the charges against him, and an opportunity of being heard in his defense before such removal shall be made as in proceedings for a removal of a sheriff; and in any such case the Governor may direct testimony to be taken, or an examination to be made in the manner now prescribed by law in proceedings for the removal of a sheriff, and in any case in which the approval or assent of the Governor is or may be necessary as a condition of removal of any officer, the Governor may direct testimony to be taken, or an examination to be made in the manner aforesaid.

Report
and pro-
ceedings.

§ 2. In any order directing the taking of testimony or an examination in a proceeding for the removal of any officer, the Governor may direct that the judge or commissioner, in reporting the evidence shall also report the material facts which he deems to be established by the evidence, and in any case where in his judgment the public interests may require it, the Governor may direct a hearing on the evidence taken in any such examination before a judge of the supreme court, or a county judge, and a report by such judge of his conclusions on the questions of fact or law involved in the case, and may assign a judge for such hearing.

§ 3. This act shall take effect immediately.

Chap. 134.

An ACT to amend chapter one hundred eighty-one of the laws of eighteen hundred seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof."

Passed April 21, 1876; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of chapter one hundred eighty-one of the laws of eighteen hundred seventy-five, entitled "An act to authorize the villages of the State of New York to furnish pure and wholesome water to the inhabitants thereof," is hereby amended so as to read as follows:

Use of soil
under
streets al-
lowed un-
der cer-

§ 12. The said commissioners, and all acting under their authority, shall have the right to use the ground or soil under any street, highway or roads within the county within which said village is situated, for the purpose of introducing water into and through any and all portions

of said village, on condition that they shall cause the surface of such street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water-pipes upon like conditions. And the said commissioners shall have the further power to contract with and sell to any corporation, stock company or individual, without the corporate limits of said village, the right to make connection with the distributing pipes of said village, for the purpose of drawing water therefrom, at such prices and on such conditions as, in the judgment of said commissioners, shall be for the best interests of said village. But no such right shall be granted or in any way enforced, when, by so doing, the supply for the wants or necessities of said village shall thereby be curtailed.

tain re-
strictions.May sell
water
rights.

§ 2. This act shall take effect immediately.

Chap. 135.

AN ACT to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence.

Passed April 21, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any plank-road company or turnpike company which shall have been formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, and which shall have managed and carried on any plank-road or turnpike road for twenty years last past upon ten miles in length thereof, or not less than one-half of the route named in their original articles of association, may at any time within five years before the termination of the time specified for its duration in its articles of association, continue its corporate existence for a period not exceeding thirty years by first obtaining the consent, by resolution, of a majority of all the members of the board of supervisors of the county or counties in which any such road is located, adopted at any regular or special meeting thereof, and by filing and recording in the office of the clerk of the county or counties in which such plank-road or turnpike road is located, within one year before the expiration of the term of the corporate existence of such company, and in the office of the Secretary of State such consent and a statement showing the actual capital expended in the construction of any such plank-road or turnpike road, exclusive of repairs, together with the consent, in writing, from the persons owning two-thirds of the capital stock of such company, and in which shall also be stated the number of years which they shall desire such corporate existence extended; also the name of each town or ward through or into which the said road passes. Such statement shall be made by the

Plank-
road and
turnpike
compa-
nies may
extend
their cor-
porate
existence.Mode of
proceed-
ure.

president and treasurer of such company, and they shall annex or indorse thereon their affidavits of the above requirements.

Statement
in case
portion of
road has
been aban-
doned.

Further
abandon-
ment, how
effected.

§ 2. In case any part of any plank-road or turnpike road shall have been abandoned, according to the provisions of law, a statement of the actual cost of such remaining part, exclusive of repairs, shall be made as near as may be, and filed and recorded in the same manner as provided in section one of this act. Any further abandonment of any part of any plank or turnpike road, shall only be made by and with the consent of a majority of all the members of the board of supervisors of the county in which any such road or any part thereof is located, which consent shall be filed with the clerk of said county or counties.

Annual
state-
ment.

§ 3. Hereafter it shall be the duty of any plank-road or turnpike road that shall avail themselves of the provisions of this law, to annually, on or before the first day of July in each year, make and file a statement in the office of the county clerk of the county or counties through or into which such plank-road or turnpike road is located, of the receipts from tolls, and also a statement showing the expenditure on such plank-road or turnpike road to maintain and keep the same in repair.

Evidence
of corpo-
rate exist-
ence.

§ 4. A copy of the consent of such supervisors and stockholders, together with a copy of such affidavit annexed thereto and certified to be a copy by the Secretary of State, or his deputy, shall, in all courts and places, be presumptive evidence of the corporate existence of such company for the term therein specified, and of the facts therein stated.

§ 5. The corporate existence of such plank-road company shall not be extended, except in accordance with this act.

Excep-
tions.

§ 6. The provisions of this act shall not apply to the counties of Kings and Orange.

§ 7. All acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

Chap. 136.

AN ACT to amend chapter four hundred and seventy-nine of the laws of eighteen hundred and seventy-five, entitled "An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court."

Passed April 21, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifty-first section of chapter four hundred and seventy-nine of the laws of eighteen hundred and seventy-five, entitled "An act in relation to the jurisdiction of the marine court of the city of New York, and to the justices of said court," is hereby amended by adding thereto the following subdivision:

Who shall
be deemed
residents.

14. No person being a resident of the State of New York who shall have a place of business in the city of New York shall be deemed to be a non-resident under the provisions of this act.

§ 2. This act shall take effect immediately.

Chap. 137.

AN ACT to provide for the payment of the expenses of the board of health of the city of Poughkeepsie

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All expenses incurred by the board of health of the city of Poughkeepsie, in the execution and performance of the duties imposed upon it by law, shall be a charge only on said city, shall be audited by said board and certified to the common council of said city, which shall order them to be paid, and they shall be paid, in the same manner as other necessary and contingent expenses of the said city, from the general city fund. How to be paid.

§ 2. In addition to the sum not exceeding thirty thousand dollars, which the said common council is empowered, by the charter of said city, to raise annually by general tax, for the purpose of defraying the salaries and pay of officers and other necessary and contingent expenses of the city, it shall have power, in like manner, to raise annually, a sum equal to the aggregate amount so paid by said city during the last preceding year on account of said expenses of said board of health. Annual tax increased.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 138.

AN ACT to confirm the assignment of a certain mortgage by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator.

Passed April 22, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assignment, dated the twenty-fifth day of October, eighteen hundred and seventy-one, and in consideration of the sum of two thousand one hundred and fifty and seventy-four one-hundredth dollars (which was the whole amount due upon the mortgage), executed by the commissioners for loaning certain moneys of the United States, of the county of Ontario, to Thomas Keator, of Cortland, in the State of New York, of a certain mortgage for two thousand dollars, which said mortgage was made and executed by James Parmeley, of the town of South Bristol, in said county of Ontario, to said commissioners, dated the twenty-third day of October, eighteen hundred and sixty-one, and numbered three hundred and thirty-two in the book of mortgages of said commissioners, is hereby ratified and confirmed, and declared to be of the same force and effect as if said commissioners, at the time of the execution of said assignment, had been authorized by law to execute the same; and the owner of said mortgage, whether by the aforesaid or a subsequent assignment, is hereby authorized and em- Assignment confirmed. Owner of mortgage

granted
certain
powers.

powered to collect the amount due upon the same, in the name of said commissioners, and in the same manner as if no assignment of said mortgage had been made, or otherwise according to law, and upon due proof of the payment thereof being exhibited to and filed with said commissioners, they are hereby directed to cancel said mortgage, and in case of a foreclosure of said mortgage and a sale of the mortgaged premises by the assignee of said mortgage in the name of said commissioners, they are hereby directed to execute and deliver the proper deed and conveyance of said premises to the purchaser.

§ 2. This act shall take effect immediately.

Chap. 139.

AN ACT in relation to the powers and duties of the board of commissioners of the department of public parks in connection with the American museum of natural history and the Metropolitan museum of art.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners of
public
parks to
contract
with
American
museum,
etc.

SECTION 1. The board of commissioners of the department of public parks in the city of New York, is hereby authorized and directed to make and enter into a contract with the American museum of natural history for the occupation by it of the buildings erected or to be erected on that portion of the Central park, in the city of New York, formerly known as Manhattan square, in accordance with the second section of chapter two hundred and ninety of the laws of eighteen hundred and seventy-one, and chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-five, and transferring thereto and establishing and maintaining therein its museum, library and collections, and carrying out the objects and purposes of the said society.

Also with
Metropoli-
tan muse-
um of art.

§ 2. The board of commissioners of the department of public parks of the city of New York, is hereby authorized and directed to make and enter into a contract with the Metropolitan museum of art for the occupation, by it, of the buildings erected or to be erected on that portion of the Central park, in the city of New York, east of the old receiving reservoir, and bounded on the west by the drive, on the east by the Fifth avenue, on the south by a continuation of Eightieth street, and on the north by a continuation of Eighty-fifth street, in accordance with the second section of chapter two hundred and ninety of the laws of eighteen hundred and seventy-one, and transferring thereto, and establishing and maintaining therein its museum, library and collections, and carrying out the objects and purposes of the said museum of art.

§ 3. This act shall take effect immediately.

Chap. 140.

AN ACT authorizing the railroad commissioners of the city of Auburn to issue bonds to the amount of one hundred thousand dollars, to refund or pay a like amount of bonds issued by said city in aid of the Southern Central railroad.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the city of Auburn, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, are hereby authorized and empowered to execute, issue and dispose of, bonds of said city to the amount of one hundred thousand dollars, to refund or pay a like amount of bonds of said city, issued in aid of the Southern Central railroad, and maturing September first, eighteen hundred and seventy-seven, and March first, eighteen hundred and seventy-eight. Said commissioners shall issue said bonds, executed under their hands and seals, in such denominations as they may deem best, payable in the city of Auburn, or the city of New York, as may be for the best interest of said city, in such year or years as they may determine, not later, however, than the year nineteen hundred, with interest coupons attached, for the payment of interest semi-annually at a rate not exceeding seven per cent. per annum; and they shall not dispose of said bonds at less than their par value.

Railroad commissioners may issue new bonds to retire old.

Denomination and rate of interest.

§ 2. The said commissioners may exchange said bonds, or any portion of them, for a like portion of the bonds so maturing September first, eighteen hundred and seventy-seven, and March first, eighteen hundred and seventy-eight, if, in the exercise of their judgment, they shall deem it for the best interest of said city. And they shall, without unnecessary delay, exchange or dispose of said bonds and apply the same or the avails thereof, to the payment and redemption of the bonds so maturing as aforesaid, and shall deliver the bonds so paid or redeemed, canceled, to the board of supervisors of Cayuga county, to be disposed of as they may direct.

Bonds may be exchanged.

Bonds redeemed to be delivered, canceled, to board of supervisors.

Chap. 141.

AN ACT authorizing the sale of the State armory at Schenectady.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Commissioners of the Land Office are hereby authorized to sell, in the manner provided by law for the sale of State lands, at public auction, the armory belonging to the State at Schenectady, the proceeds of said sale to be paid into the treasury of the State; provided, nevertheless, that the said sale shall not take place until the certificate of the Adjutant-General shall be procured that said property is not required for military purposes.

§ 2. This act shall take effect immediately.

Chap. 142.

AN ACT to authorize the Commissioners of the Land Office to convey certain lands belonging to the State of New York, in the village of Cortland, to "The Cortland Soldiers' Monumental Association," for the purposes of the erection, maintenance and protection of a soldier's monument.

Passed April 22, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. the Commissioners of the Land Office are hereby authorized and empowered to convey, with such restrictions as to them shall seem proper, to "The Cortland Soldiers' Monumental Association," so much of the lands heretofore conveyed by the village of Cortland to the State as said Commissioners of the Land Office shall deem necessary and proper, not exceeding thirty-eight rods of land, for the purpose of the erection, maintenance and preservation of a monument to the memory of those who died in defense of the Union during the late war. But it is hereby provided that such conveyance shall create no obligation on the part of the State, to assume any expenses for the care or maintenance of such lands.

§ 2. Said Commissioners of the Land Office are hereby authorized to provide, in the deed of conveyance of said lands, for the care of the grounds, and the right of ingress and egress thereto and thereupon, as in their judgment shall be for the best interests of the State and said association.

§ 3. When said piece of land shall cease to be used for said purpose, the title thereto shall revert to the State.

§ 4. This act shall take effect immediately.

Chap. 143.

AN ACT to amend chapter three hundred and ninety-eight, of the laws of eighteen hundred and sixty-six, entitled "An act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof."

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and ninety-eight of the laws of eighteen hundred and sixty-six, entitled an act to facilitate the construction of the New York and Oswego Midland railroad, and to authorize towns to subscribe to the capital stock thereof, is hereby amended so as to read as follows:

SECTION 1. On the application, in writing of twelve or more freeholders, residents of any town or city in either of the counties of Orange, Sullivan, Ulster, Delaware, Otsego, Chenango, Cortland, Madison,

Commissioners,
how appointed.

Onondaga, Oneida or Oswego, it shall be the duty of the county judge of the county wherein such town or city is situated, or the Supreme Court, at any special term thereof, within ten days after receiving such application, to appoint under his hand and seal, not more than three freeholders, residents of said town or city, to be commissioners of such town or city, to carry into effect the purposes of this act, who shall hold their offices respectively for the term of five years and until others shall be appointed in their places, and shall have duly qualified, a majority of whom shall constitute a quorum for the transaction of any business or the doing of any act or thing contemplated under this act. And every five years thereafter, and as often as a vacancy in said office shall, from any cause, occur, the said county judge or justice of the Supreme Court shall appoint a successor or successors for said commissioner or commissioners for the said towns or cities respectively, upon the like application as hereinbefore provided; except that, at the annual town meeting for the election of town officers, held in the town of Lebanon in the county of Madison aforesaid, in the year eighteen hundred and seventy-seven, and annually thereafter, it shall be lawful for the electors of said town to elect successors to the said commissioners, or to the commissioners now or then in office, in the same manner that other town officers are elected, who shall hold their office for the term of one year, and until others are elected in their places as herein provided. The commissioner or commissioners so elected shall be residents and freeholders of the town for which they are to act as commissioners, and shall not be a director in the New York and Oswego Midland Railroad Company during the time they shall respectively act as such commissioner; and when such commissioner or commissioners shall have been so elected, and shall have duly qualified, the term of office of the commissioner or commissioners previously appointed by the county judge or justice of the Supreme Court as aforesaid, shall cease.

Term of office.

Vacancies, how supplied.

Exception.

Commissioners to be residents and freeholders, and not directors in New York and Oswego Midland railroad company.

§ 2. This act shall take effect immediately.

Chap. 144.

AN ACT authorizing the town of Genoa in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Genoa in the county of Cayuga, is hereby authorized and empowered to execute, issue and dispose of bonds of said town to the amount of fifty thousand dollars, to refund or pay a like amount of bonds of said town issued in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two, entitled "An act to authorize any town in the county of Cayuga to borrow money for aiding the construction of a railroad or railroads from Lake Ontario to the New York and Erie, or

Supervisor may issue new bonds to retire old.

Denomi-
nation
and rate
of inter-
est.

Cayuga and Susquehanna railroad." Said supervisor shall issue said bonds, executed under his hand and seal, in such denominations as he may deem best, payable in the city of Auburn, or the city of New York, as may be for the best interest of said town, in such year or years as he may determine, not later, however, than the year eighteen hundred and eighty-six, with interest payable semi-annually, at a rate not exceeding seven per cent. per annum; and he shall not dispose of said bonds at less than their par value.

Ex-
change.

§ 2. The said supervisor may exchange said bonds, or any portion of them, for a like portion of the bonds so as aforesaid issued if, in the exercise of his judgment, he shall deem it for the best interest of said town, and he shall, without unnecessary delay, exchange or dispose of said bonds and apply the same or the avails thereof, to the payment and redemption of said bonds, and shall deliver the bonds so paid or redeemed, canceled, to the town board of said town to be disposed of as they may direct; and said supervisor is also authorized to apply such portion of the avails of said bonds as may be necessary to satisfy any judgment or judgments that may have been recovered against said town on account of said bonds, and also all costs and expenses which may have been incurred in defending actions brought against said town, or the officers thereof on account of said bonds.

Applica-
tion of
avails.

§ 3. This act shall take effect immediately.

Chap. 145.

AN ACT authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars, to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervi-
sor may
issue new
bonds to
retire old.

SECTION 1. The supervisor of the town of Venice, in the county of Cayuga, is hereby authorized and empowered to execute, issue and dispose of bonds of said town to the amount of fifty thousand dollars, to refund or pay a like amount of bonds of said town issued in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two, entitled "An act to authorize any town in the county of Cayuga to borrow money to aid in the construction of a railroad or railroads from Lake Ontario to the New York and Erie or Cayuga and Susquehanna railroad." Said supervisor shall issue said bonds executed under his hand and seal in such denominations as he may deem best, payable in the city of Auburn, or the city of New York, as may be for the best interest of said town, in such year or years as he may determine, not later, however, than the year one thousand eight hundred and eighty-six, with interest, payable semi-annually, at a rate not exceeding seven per cent. per annum, and he shall not dispose of said bonds at less than their par value.

Denomi-
nation
and rate of
interest.

§ 2. The said supervisor may exchange said bonds, or any portion of them, for a like portion of the bonds so as aforesaid issued if, in the exercise of his judgment he shall deem it for the best interest of said town; and he shall, without unnecessary delay, exchange or dispose of said bonds and apply the same, or the avails thereof, to the payment and redemption of said bonds, and shall deliver the bonds so paid or redeemed, canceled, to the town board of said town, to be disposed of as they may direct, and said supervisor is also authorized to apply such portion of the avails of said bonds as may be necessary to satisfy any judgment or judgments that may have been recovered against said town on account of said bonds, and also all costs and expenses which may have been incurred in defending actions brought against said town or the officers thereof on account of said bonds.

Ex-
change.Applica-
tion of
avails.

§ 3. This act shall take effect immediately.

Chap. 146.

AN ACT in relation to repairs of certain streets in the city of Albany.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In making repairs of the pavement in any of the streets in the city of Albany, pursuant to title nine of chapter seventy-seven of the laws of eighteen hundred and seventy, and the acts amendatory thereof, it shall be lawful to use granite blocks instead of the material now composing such pavement. Such repairs, however, to be done in all cases under the supervision of the street commissioner and subject to the approval of the mayor and the city surveyor and engineer.

Granite
blocks,
use of in
street
pave-
ments.
Street
commis-
sioner to
super-
vise,
etc.

§ 2. This act shall take effect immediately.

Chap. 147.

AN ACT granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek, from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same.

Passed April 22, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The consent of the State of New York is hereby given to the improvement, by the United States, of the Harlem river, and Spuyten Duyvil creek, from the North river to the East river through the Harlem kills, and the United States may take and hold so much land and land under water, with any improvements thereon, as may be necessary for the location, construction and convenient use of the said improvement.

Consent
of State
given for
improve-
ment of
Harlem
river, etc.

Manner of
acquiring
title to
land
necessary
for im-
prove-
ment.

Petition to
state
names of
persons
owning or
holding
lands, etc.

Copy peti-
tion and
notice to
be served
on persons
inter-
ested.

Proceed-
ings on
presenta-
tion of
petition to
court.

Commis-
sioners to
take oath
of office.
May issue
subpoenas,
etc.
Meeting
of.

To hear
proofs and
allega-
tions.

Determi-
nation.

§ 2. In the absence of any agreement between the United States or its authorized agents and the owners of such lands in regard to the compensation therefor, the engineer in charge of the improvements for the United States, and any other authorized agent of the United States may verify and present a petition, in the name of the United States, praying for the appointment of commissioners of appraisal to the Supreme Court at any general or special term thereof held in the first judicial district, which petition shall describe the real estate and material which the United States seeks to acquire, and shall aver that such land is necessary for the construction and use of said improvement, and that the United States has not been able to acquire title thereto and the reason of such inability. The petition must also state the names and places of residence, so far as the same can, by reasonable diligence, be ascertained, of the persons who own or hold, or claim to own or hold, estates or interests in the said real estate, and if any such persons are infants, their ages, as near as may be, shall be stated; and if any such persons are idiots or persons of unsound mind, or are unknown, the fact shall be stated together with such allegations of liens or incumbrances, as the United States may see fit to make. A copy of such petition with notice of the time and place the same will be presented to the Supreme Court, shall be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court.

§ 3. On presenting such petition to the Supreme Court as aforesaid, with proof of service of a copy thereof, and notice as aforesaid, all persons whose estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of five disinterested and competent persons, who reside in the city of New York, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken for said improvement, and to fix the time and place for the first meeting of such commissioners.

§ 4. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the Constitution. Any one of them may issue subpoenas, administer oaths to witnesses, and any three of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court, or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties who are to be affected by their proceedings, or their attorney or agent. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, a majority of them, all being present and acting, shall ascertain and determine the compensation which ought justly to be made to the party or parties owning or interested in the real estate appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to a general or special guardian or committee of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interest of any unknown owner or party in interest not personally served with notice

of the proceedings, and who has not appeared for costs, expenses and counsel fees. They shall make a report to the Supreme Court, signed by them, or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any.

§ 5. On such report being made by said commissioners, the United States shall give notice to the parties, or their attorneys, to be affected by the proceedings, according to the rules and practice of said court, at a general or special term thereof, for the confirmation of such report, and the court shall thereupon confirm such report and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made; and shall also direct to whom the money is to be paid, or in what bank, and in what manner it shall be deposited.

Report.
Confirmation of report.
Order of court.

§ 6. A certified copy of the order, to be made as aforesaid, shall be recorded at length in the county clerk's office of the city and county of New York, and thereupon the United States shall be entitled to enter upon, take possession of and use the said land for the purpose of said improvement, and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in said land. All real estate acquired by the United States under and pursuant to the provisions of this act, for the said improvements, shall be deemed to be acquired for the public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the fifth section of this act, either party may appeal, by notice in writing to the other, to the Supreme Court, from the appraisal and report of the commissioners. Such appeal shall be heard by the Supreme Court at any general or special term thereof, on such notice thereof being given, according to the rules and practice of said court. On the hearing of such appeal the court may direct a new appraisal before the same or new commissioners, in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be made is increased by the second report, the difference shall be a lien on the land appraised, and if the amount is diminished, the difference shall be refunded by the party to whom the same may have been paid; and judgment therefor may be rendered by the court on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by the United States of the land appraised, and when the same is made by others than the United States, it shall not be heard, except on a stipulation of the party appealing not to disturb such possession. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into said court and may determine who is entitled to the same, and direct to whom the same shall be paid; and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made. The court shall appoint some competent attorney to appear for, and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power, at any time, to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary; or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as it deems proper, and also to appoint

Certified copy of order to be recorded.

Appeals.

New appraisal.

Adverse or conflicting claims to monies awarded, how disposed of.

Defects in proceedings to be amended.

other commissioners in place of any who shall die, or refuse, or neglect to serve or be incapable of serving.

Defective
titles.

§ 7. If, at any time, after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the United States may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the United States, if in possession, to continue in possession and if not in possession, to take possession and use such real estate during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against any agent of the United States on account thereof on his giving security as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate may conduct the proceedings to a conclusion if the United States delays or omits to prosecute the same.

Proceed-
ings
where
lands are
vested in
trustees,
etc.

§ 8. In case any title or interest in real estate required by the United States for said improvement shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot or person of unsound mind, the Supreme Court shall have power, by a summary proceeding on petition, to authorize and empower such trustee, or the general guardian or committee of such infant, idiot or person of unsound mind, to sell and convey the same to the United States for said improvement on such terms as may be just; and in case any such infant, idiot or person of unsound mind, has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release, authorized by this section, shall be executed, the terms on which the same is to be executed, shall be reported to the court, on oath; and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report, and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell and convey the same.

Cession of
jurisdic-
tion of
State.

§ 9. The jurisdiction of the State of New York, in and over the land and land under water required for said improvement, shall be, and the same hereby is, ceded to the United States, subject to the reservations and restrictions hereinafter mentioned.

Reserva-
tion.

§ 10. The said consent is given and the said jurisdiction ceded upon the express reservation to the State of New York, of all the rights of said State over all bridges and tunnels now constructed or hereafter to be constructed in pursuance of existing laws for the location thereof, by the department of public parks of the city of New York, over the said Harlem river or Spuyten Duyvil creek, and upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over the territory covered by said improvement as to all crimes committed therein, and so far as that all civil and criminal process, which may issue under the laws or authority of the State of New York, may be executed thereon in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

§ 11. The jurisdiction hereby ceded shall not vest in any respect as to any portion of said territory until the United States shall have

acquired the title thereto by grant, or by virtue of the provisions of this act.

§ 12. The said property, when acquired by the United States, shall be, and continue forever thereafter, exonerated and discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of this State. Lands not liable to taxation.

§ 13. This act shall take effect immediately.

Chap. 148.

AN ACT to release to Bridget Porter the right, title and interest of the People of the State of New York in and to certain real estate in the twenty-fourth ward of the city of New York.

Passed April 22, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the People of the State of New York of, in and to that certain lot or parcel of land, and the buildings thereon erected, situate, lying and being in the twenty-fourth ward of the city of New York, designated by the number one hundred and sixty on a map, entitled "map of the Westchester property of Edward T. Young, Springhurst, New York," filed in the office of the register of New York on the twenty-fifth of October, eighteen hundred and seventy-three, and particularly described in the deed for the same, bearing date the second day of January, eighteen hundred and seventy-four, and executed by Edward T. Young and wife to Isaac Porter which is recorded in the office of the register of the city of New York, in book one thousand two hundred and seventy-one of conveyances, page three hundred and ninety-six, on the fifth day of January, eighteen hundred and seventy-four, are hereby released to Bridget Porter, widow and sole devisee of said Isaac Porter, and to her heirs and assigns forever. And the said Bridget Porter is hereby authorized and empowered to sell, convey, mortgage and devise the same in the manner, and with the like effect, as if she were a citizen of the United States of America. Interest of State in certain lands released to Bridget Porter.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any heir at law, devisee or grantee of the said Isaac Porter, or of any creditor by judgment, mortgage or otherwise. Certain persons not affected.

§ 3. This act shall take effect immediately.

Chap. 149.

AN ACT to repeal an act entitled "An act for the improvement of Myrtle avenue in the city of Brooklyn," passed June twenty-first, one thousand eight hundred and seventy-five.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act for the improvement of Myrtle avenue in the city of Brooklyn," passed June twenty-first, eighteen

hundred and seventy-five, being chapter six hundred and seventeen of the laws of eighteen hundred and seventy-five, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 150.

AN ACT to legalize the official acts of Charles M. Johnston, a justice of the peace of the town of Cameron, Steuben county.

Passed April '22, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Acts as
justice of
the peace
legalized.

SECTION 1. The official acts of Charles M. Johnston of the town of Cameron, Steuben county, done by him as a justice of the peace, since the thirty-first day of December, eighteen hundred and seventy-five, are hereby made as legal as if his term of office had not expired on the thirty-first day of December, eighteen hundred and seventy-five.

Pending
proceed-
ings not
affected.

§ 2. Nothing in this act contained shall affect any action or legal proceeding now pending in any court of this State.

§ 3. This act shall take effect immediately.

Chap. 151.

AN ACT to release the interest of the People of the State of New York in certain lands in the town of Malone, in the county of Franklin, to Charlotte Hutchins.

Passed April 22, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Interest of
State in
certain
lands re-
leased to
Charlotte
Hutchins.

SECTION 1. All the estate, right, title and interest of the People of the State of New York, of, in and to all that certain lot or parcel of land situate in the town of Malone, in the county of Franklin, and State of New York, being part of lot number seventy-three in township number six of great tract number one of Macomb's purchase, and which is bounded as follows, to wit: Beginning at a point in the northerly line of said number seventy-three, fifty-six chains from the north-west corner thereof, and runs thence south, twenty-five chains; thence east, ten chains; thence north, twenty-five chains to the north line of said lot; thence west, ten chains to the place of beginning, containing twenty-five acres of land, being the same premises conveyed to John Fleming by Gilman Garland and wife by deed, dated April twenty-fourth, eighteen hundred and forty, and recorded in the office of the clerk of the county of Franklin aforesaid, in book ten of deeds, on pages two hundred and ten and two hundred and eleven, and which escheated to the People of the State of New York upon the death of said John Fleming, late of said town of Malone, are hereby released and conveyed to Charlotte Hutchins, formerly widow of said John Fleming, and to her heirs and assigns forever.

§ 2. This act shall take effect immediately.

Chap. 152.

AN ACT to repeal chapter thirty-eight of the laws of eighteen hundred and seventy-four, entitled "An act for the disposition of excise moneys and fines for intoxication within the village of Monticello," passed February twenty-seven, eighteen hundred and seventy-four.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter thirty-eight of the laws of eighteen hundred and seventy-four, passed February twenty-seven, eighteen hundred and seventy-four, entitled "An act for the disposition of excise moneys and fines for intoxication within the village of Monticello," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 153.

AN ACT to require the filing of maps in the assessors' office in the city of Albany.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a piece or parcel of land, situate in the city of Albany, shall be offered for sale or sold and a map thereof made, it shall be the duty of the owner or owners to file forthwith a copy of said map in the office of the assessors of said city. Maps to be filed in assessors' office in certain cases.

§ 2. Any person or persons who shall refuse or fail to comply with the first provision of this act shall incur a penalty of twenty-five dollars for each offense, to be recovered by civil action in the name of the city of Albany. Penalty for neglect or refusal.

Chap. 154.

AN ACT to authorize the sale of a part of the "poor-house farm" so called, situate in the town of Oswego, also certain land in the city of Oswego known as the "Public Square Block."

Passed April 22, 1876; three-fifth being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Oswego is hereby authorized and empowered to sell and convey, in fee simple, the real estate described as follows, to wit: All that tract or parcel of land situate in the town of Oswego, in the county of Oswego and State of Sale of poor-house farm authorized.

New York, on subdivisions numbers two and four, military lot number twelve, bounded and described as follows: A triangle, beginning at a stake at the westernmost angle of what was known as the mill lot on the Vrooman (now called poor-house farm); thence north, forty-two degrees east, two chains and ninety-four links to a stake; thence south, sixty-five degrees west, one chain and sixty-one and one-half links to a stake; thence south, nineteen degrees and ten minutes west, one chain and fifty-eight links to the place of beginning, containing ninety-one one-thousandths of an acre of land. Also a rectangle, beginning at a stake at the westernmost angle of the aforesaid mill lot, thence south, forty-seven degrees and forty-five minutes east, four chains and fifteen links to a stake; thence south, six degrees and thirty minutes east, one chain and fifteen and one-half links to a stake; thence north, fifty degrees and ten seconds west, four chains and twenty-nine links to a stake; thence north, five degrees and thirty minutes east, one chain and twenty-two links, to place of beginning, containing thirty-seven one-hundredths of an acre of land. In all, four hundred and sixty-one one-thousandths of an acre of land.

Public square block may be sold. *id*

Mayor to execute conveyances.

§ 2. The said common council of the city of Oswego, is also authorized to convey by deed, in fee simple, the land designated on a map of the former village of Oswego and known as the "Public square block," on the west side of the Oswego river, to any person or persons, or his or their assigns, who shall have purchased, or may hereafter purchase, the lease or leases made by the president and trustees of the village of Oswego, of said block or any part thereof, and shall have paid, or may hereafter pay, and discharge the rents reserved and made payable by the said lease or leases; such conveyance or conveyances to be executed by the mayor of the city of Oswego under the corporate seal thereof, subject to all taxes and assessments upon the same since the execution of the said lease or leases respectively.

§ 3. This act shall take effect immediately.

Chap. 155.

AN ACT to confirm the official acts of the trustees of the village of Wellsburg, in the county of Chemung, and to provide for the election of their successors.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts of trustees confirmed.

SECTION 1. No official acts of the trustees of the village of Wellsburgh, whose election was confirmed by an act, entitled "An act to confirm the election of village trustees in certain cases, and to provide for determining by lot their respective terms of office," passed April twenty-third, eighteen hundred and seventy-five, who may have failed or neglected with the president of said village, to determine their respective terms of office according to the provisions of said act, shall be invalid by reason of such failure or neglect, but shall be deemed of full force and effect as though they had, in all respects complied with the provisions of said act.

Their successors, when to be elected

§ 2. At the annual election in said village, in the year one thousand eight hundred and seventy-six, successors to such trustees shall be elected, whose election and terms of office shall be had and determined

according to the provisions of section three, of title two of the act entitled "An act for the incorporation of villages," passed April twentieth, one thousand eight hundred and seventy, as amended by section two of the act entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April twentieth, eighteen hundred and seventy," passed June ninth, eighteen hundred and seventy-four, to which election the provisions of said section are hereby made applicable, except that two trustees shall be elected annually.

§ 3. This act shall take effect immediately.

Chap. 156.

AN ACT to authorize the supervisor of the town of Queensbury, in the county of Warren, to pay over and dispose of certain moneys in his hands, raised or provided in said town for the purpose of building a town hall.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of Queensbury, in the county of Warren, is hereby authorized and directed to pay over to the county treasurer of Warren county, on or before the tenth day of November next, all moneys in his hands or under his control heretofore raised or provided in or by said town, and intended or designed for the building or providing of a town hall for said town, together with all accumulations of interest on such moneys; and said county treasurer is authorized and directed to credit the same, on receipt thereof, to said town of Queensbury, and to report the same, with the amount thereof, to the next annual meeting of the board of supervisors of said county, on the first day of its session. And said board of supervisors are hereby authorized and required at said meeting to deduct the amount so reported from the amount of town and county taxes properly chargeable to said town, and said amount shall be credited to said town upon its share of the general town and county taxes payable to the said treasurer for the then current year, and the balance only of the proper share or proportion of such taxes belonging to said town to pay shall be included in any warrant for the collection of taxes in said town to be issued by said board of supervisors. Said moneys shall be used and applied by the said treasurer for the same purposes and in the same manner as though collected in the usual way and paid over to him by the collector of said town as part of the taxes of said town for that year.

Supervisor of Queensbury to pay over certain moneys to county treasurer.

Treasurer to report to board of supervisors.

Duties of board.

Application of moneys by treasurer.

§ 2. This act shall take effect immediately.

Chap. 157.

AN ACT to confirm the official acts of Luther W. Emerson as a notary public of Kings county.

Passed April 22, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Acts as
notary
public
con-
firmed.

SECTION 1. All and several the acts of Luther W. Emerson, residing in Kings county, in the State of New York, done as notary public from March thirtieth, eighteen hundred and seventy-five, to December thirty-first, eighteen hundred and seventy-five, are hereby confirmed and declared as valid and of as full effect as if said L. W. Emerson had been duly appointed and qualified as a notary public for said period.

Certain
rights not
affected.

§ 2. But nothing herein contained shall affect the rights of any party to any suit or proceeding commenced prior to the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 158.

AN ACT to repeal an act entitled "An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton."

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter six hundred and twenty-four of the laws of one thousand eight hundred and seventy, entitled "An act to lay out and construct a road from Creek Centre, in the county of Warren, to the village of Pickleville, in the town of Wells, in the county of Hamilton, shall be and the same is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 159.

AN ACT to authorize the village of Cooperstown, in the county of Otsego, to borrow money and issue bonds of the village therefor in payment of the floating debt of said village.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Payment
of floating
debt, pro-
vided for.

SECTION 1. The trustees of the village of Cooperstown are hereby authorized and empowered to cause the bonds of the village of Cooperstown, to an amount not exceeding in the whole, the sum of one

thousand one hundred and seventy-six dollars and forty cents, to be issued for the sole purpose of paying with the same, or with the proceeds of the sale thereof, the floating debt of said village, which had accumulated prior to the first day of January, eighteen hundred and seventy-six.

§ 2. Such bonds shall be in such form, executed in such manner and in such amount as the said trustees may direct, and payable, one-fourth part thereof on the first day of July, eighteen hundred and seventy-six, one-fourth part on the first day of July, eighteen hundred and seventy-seven, one-fourth part on the first day of July, eighteen hundred and seventy-eight, and one-fourth payable on the first day of July, eighteen hundred and seventy-nine, with annual interest not exceeding seven per cent. per annum; provided, however, that said bonds shall not be sold or disposed of for less than their par value.

Bonds,
issuing of,
etc.

To be sold
for not
less than
par.

§ 3. This act shall take effect immediately.

Chap. 160.

AN ACT to provide for a commission to investigate the affairs of the State Prisons of this State and the State Reformatory at Elmira, and to prescribe the manner of such investigation.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sinclair Tousey, George R. Babcock. Archibald C. Niven and Louis D. Pilsbury shall be, and they are hereby constituted a commission, with full power and authority to investigate the pecuniary affairs, condition, discipline, management of, and any other subject or matter connected with, or pertaining to, the several State prisons of this State, covering at least the six years last past; but such commission, in their investigation, shall not be restricted to such period. Any vacancy occurring in such commission, during the present session, shall be filled by the Legislature, and any which may occur after the final adjournment of the present session, shall be filled by the Governor. The members of such commission, before entering upon the duties of their office, shall severally take, subscribe and file with the Secretary of State the Constitutional oath of office.

Commis-
sion con-
stituted to
investi-
gate
affairs of
State pris-
ons, etc.

Vacan-
cies, how
filled.

Oath of
office.

§ 2. The said commission shall have power to examine any person as a witness, on any subject or matter connected with, or pertaining to the past or future affairs of the State prisons of this State, and to use, inspect or examine any book, account, document, voucher or writing in the possession of any person, or under his control, relating in any manner to the past or future affairs of the State prisons of this State, and any member of the said commission may issue a subpoena commanding such person to appear before the said commission at a time and place therein specified, to be examined as a witness; and such subpoena may contain a clause requiring such person to produce on such examination any book, paper, document or writing in his possession, or under his control, relating in any manner to the past or future affairs of the State prisons of this State.

Powers of
commis-
sion.

§ 3. Any person may serve, and it shall be the duty of any sheriff,

Serving of process.

or any deputy sheriff, or constable, to whom the same may be delivered to serve such subpoena by exhibiting or reading it to the person named therein, and at the same time delivering to and leaving with him a copy thereof; the official certificate of the sheriff, deputy sheriff or constable or the affidavit of any other person, of the time and place of the service of such subpoena shall be prima facie evidence thereof.

Neglect or refusal to obey process declared a contempt.

§ 4. Whenever any person duly subpoenaed to appear and give evidence, or to produce any book or paper as herein provided, shall neglect or refuse to appear or to produce such book or paper, according to the command of such subpoena, or to allow an inspection of the same, or shall refuse to testify before such commission, or to answer any question which it shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the commission or any member thereof, to report the facts to any county judge or to any judge of the Supreme Court, or of any superior city court of any of the cities of this State, who shall thereupon issue an attachment in the form usual in the court of which he shall be a judge, directed to the sheriff of the county where such witness may be, commanding the said sheriff to attach such person and forthwith bring him before the judge by whom such attachment was issued.

Attachments, issuing of.

Manner of executing attachment.

§ 5. The officer to whom such attachment shall be delivered shall execute the same by arresting and keeping the witness in custody, bringing him personally before the judge and detaining him in custody until the further order of the judge.

Proceedings after arrest.

§ 6. Whenever any witness arrested upon such attachment shall be brought before the judge who shall have issued the same, the judge shall cause interrogatories to be filed specifying the facts and circumstances alleged against the witness and require his answer thereto; to which the witness shall make written answers on oath, within such reasonable time as the judge shall allow. The judge may receive any affidavit or other proofs contradictory to the answer of the witness, or in confirmation thereof; and upon the original report, such answers and such subsequent proof shall determine whether the witness has been guilty of the misconduct alleged.

Punishment of persons found guilty.

§ 7. If the judge shall adjudge the witness to have been guilty of the misconduct alleged, and that such misconduct was calculated to or actually did, defeat, impair, impede, or prejudice any investigation of the said commission, such judge shall thereupon imprison the witness until he shall perform the act or duty required of him, and shall pay any expenses incurred by reason of his contempt, or until he shall be discharged by due course of law, and the order and process of commitment shall specify the act or duty to be performed, and the amount of expenses to be paid.

Bail may be given if attachment be returned when commission is not in session.

§ 8. Whenever an attachment shall have been issued, according to the provisions of this act, and shall not have been returned, the said commission shall, when it adjourns, adjourn to a time and place certain, of which notice shall be given to the judge before whom the said attachment shall be returnable, and in such case, if the person against whom it issued shall be arrested, he may give a bond to the People of the State of New York, in the penalty of not less than one thousand dollars, with two sufficient sureties, to be approved by the said judge, with a condition that he will appear before the said commission at the time and place to which it shall have been adjourned, or at such other time and place to which it shall thereafter adjourn, and will then and there perform such act or duty as such judge shall direct to be prescribed in

such bond; said bond shall not be taken, however, until the witness shall first have paid all costs and expenses by reason of his contempt. Costs to be paid.

§ 9. Such bond shall be filed in the office of the Comptroller of the State, and if default shall be made in the condition thereof, it shall be the duty of the Attorney-General to sue for and collect the penalty of the same, and the money, when received, and all costs and expenses when collected by virtue of the provisions of this act shall be paid to, and retained by the Attorney-General, and may be used by him, and shall be accounted for by him in the same manner as costs collected in actions by the Attorney-General. Bond to be filed with comptroller. Attorney-general to prosecute bail in case of default.

§ 10. All orders, decisions and judgments made and given in proceedings under this act, shall be filed in the office of the clerk of the county where such proceedings are had, and the clerk shall thereupon enter the proper orders and judgments, and such orders, decisions and judgments shall have the like force and effect as if made and given by the court of which the judge was a member, at a regular term or session thereof. Orders and decisions to be filed in clerk's office where proceedings are had.

§ 11. Any member of the said commission shall have power to administer oaths and affirmations to witnesses to be examined before them. Swearing of witnesses.

§ 12. All corrupt and willful false swearing by any person sworn under the provisions of this act, shall be deemed perjury, and shall be punishable as such. False swearing declared perjury.

§ 13. No person sworn under the provisions of this act shall be excused from testifying on the ground that his evidence would tend to criminate or degrade him; but the testimony of any witness examined under the provisions of this act shall not be used against him on the trial of any indictment or criminal prosecution other than for perjury committed on such examination. Persons not to be excused from testifying.

§ 14. Each member of the said commission shall receive a compensation of twenty dollars for each day actually employed in the business of the said commission, to be audited by the Comptroller and paid out of the State treasury. Compensation of commission.

§ 15. The said commission shall have power to appoint a sergeant-at-arms, stenographer, and not more than one clerk, and to employ such experts, agents and other assistants as they may deem necessary, all of whom shall be subject to the orders and control of such commission. Each person so appointed or employed shall receive such compensation for his services as the said commission may certify to be just and reasonable, to be subject to the approval of and to be audited by the Comptroller, and paid out of the State treasury. Witnesses shall be entitled to, and shall be paid by the said commission, out of the funds hereinafter appropriated, the same compensation for attendance and for traveling fees as witnesses subpoenaed in actions in courts of record. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of this act, to be paid out of any moneys in the treasury not otherwise appropriated. May appoint certain officers. Compensation of employees. Fees of witnesses. Appropriation for expenses.

§ 16. The said commission are hereby authorized and empowered to continue the investigation herein provided for until the first day of September, eighteen hundred and seventy-six, and no longer, and the testimony which they shall take, together with their recommendations based upon the same, shall, as soon as practicable thereafter, be submitted to the Governor, and shall be included in a final report to be made by said commission to the Legislature at the opening of its next session. They shall also file a copy of all the evidence taken under the provisions of this act in the office of the Attorney-General. Commission to report to the governor and legislature. Copy of evidence taken to be filed in office of attorney-general.

To report
to legisla-
ture con-
dition of
State re-
formatory
at Elmira.

§ 17. The said commission shall also ascertain and as early as practicable report to the Legislature the condition of the State Reformatory, at Elmira, what is necessary to be done to prepare the building for the reception and accommodation of convicts, and the expense thereof, the number that can be provided for there; and whether the other State prisons are so crowded with convicts as to require the transfer of any, and about what number to other prison room.

§ 18. This act shall take effect immediately.

Chap. 161.

AN ACT to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to protect butter and cheese manufacturers,' passed May second, eighteen hundred and sixty-four."

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to protect butter and cheese manufacturers,' passed May second, eighteen hundred and sixty-four," is hereby amended so as to read as follows:

SECTION 1. Section one of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-four is hereby amended so as to read as follows:

Liabilities
of persons
supplying
milk to
butter and
cheese
manufac-
tories.

Duty and
liabilities
of manu-
facturers.

§ 1. Whoever shall, with intent to defraud, sell, supply or bring to be manufactured to any butter or cheese manufactory in this State, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall, with intent to defraud, keep back any part of the milk known as "strippings," or whoever shall, knowingly, bring or supply milk to any butter or cheese manufactory that is tainted or partly sour from want of proper care in keeping pails, strainers or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, or any butter or cheese manufacturer who shall, knowingly, use or allow any of his employees, or any other person, to use for his or for their own individual benefit, any milk or cream from the milk brought to said butter or cheese manufacturer, without the consent of all the owners thereof, or any butter or cheese manufacturer who shall refuse or neglect to keep or cause to be kept a correct account (open to the inspection of any one furnishing milk to such manufacturer) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made each day, or of the number cut or otherwise disposed of, and the weight of each, shall, for each and every offense, forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars with costs of suit, to be sued for in any court of competent jurisdiction by and for the benefit of the person or persons, firm or association, or corporation, or their assigns, upon whom such fraud or neglect shall be committed.

§ 2. This act shall take effect immediately.

Chap. 162.

AN ACT to amend chapter eight hundred and thirty-four of the laws of eighteen hundred and sixty-nine, and also to amend chapter four hundred and fifty-five of the laws of eighteen hundred and seventy, entitled "An act to amend the act incorporating the village of Carthage, in the county of Jefferson."

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title five, section one of chapter eight hundred and thirty-four of the laws of eighteen hundred and sixty-nine, entitled "An act to amend the act incorporating the village of Carthage, in the county of Jefferson," is hereby amended so as to read as follows:

TITLE V.

§ 1. The board of trustees must, within ninety days after the annual meeting, direct the assessors to proceed and assess upon the taxable inhabitants and property liable to assessment and taxation within the village, such sum as they may deem necessary, beside funds received and estimated to be received from other sources, to defray the ordinary expenses of the village for the current year, not to exceed the amount allowed for that purpose by the annual meeting; also the sum required by this act to be raised and applied to the payment of the debt of the village; also any sum directed to be raised for a special purpose, and which, under the provisions of this act, can be raised in that year. The aggregate for special purposes shall in no case exceed two thousand dollars in one year. They must also, in addition, determine the number of days of highway labor to be assessed for every thousand dollars valuation on the assessment roll, and which must not be less than one nor more than seven dollars for every thousand dollars, not to exceed one dollar per day. Each male inhabitant of twenty-one years and under the age of sixty years shall be assessed one dollar, and the balance shall be assessed on real and personal estate within said village according to the value of their property as it shall appear upon the assessment roll for the year in which such money shall be raised, which money shall be expended by the street commissioner, under the direction and control of the trustees, for keeping in repair the streets, highways, bridges, lands, alleys and crosswalks in said village, and for no other purpose whatever. The board shall cause the village tax roll to be made out and filed, together with a copy thereof, in the office of the clerk.

Ordinary expenses of village provided for.

Manner of raising money for street purposes.

Street commissioner to expend same.

Tax roll to be filed with village clerk.

§ 2. Section two of chapter four hundred and fifty-five of the laws of eighteen hundred and seventy, entitled "An act to amend the act incorporating the village of Carthage, in the county of Jefferson," is hereby amended so as to read as follows:

§ 2. Title three, section three, subdivision fifteen of said act is hereby amended by adding, after the word "fires," in the last line of said subdivision, words so as to read as follows: "And to prevent the erection and construction of wooden buildings and tenements, or buildings of a combustible material, at any point on State street, in said village, or

Erection and construction of wooden buildings.

within one hundred and fifty feet from the margin of State street, between School street and the State bridge across the Black river."

§ 3. This act shall take effect immediately.

Chap. 163.

AN ACT to amend chapter six hundred and seventy-three of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the construction of sewers in the village and town of Saratoga Springs."

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter six hundred and seventy-three of the laws of eighteen hundred and seventy-one, entitled, "An act to authorize the construction of sewers in the village and town of Saratoga Springs," is hereby amended by adding thereto an additional section, as follows:

Bonding
of village
for con-
struction
of sewers.

Denomi-
nation
and rate of
interest.

Not to run
more than
ten years.
Bonds to
be deliv-
ered to
commis-
sioners.

§ 8. It shall be the duty of the trustees of the village of Saratoga Springs within thirty days after the passage of this act to issue bonds on the faith and credit of said village to the amount of five thousand dollars in addition to the bonds already issued, pursuant to law, for the construction of sewers in the village and town of Saratoga Springs, for the purpose of paying damages which have been or may be awarded to any person or persons for lands and real estate taken for the purposes of such sewer, and the fees, commissions and expenses incurred and to be incurred in the settlement of such damages; which bonds shall bear interest at the rate of seven per cent. per annum, with interest coupons thereto attached, payable semi-annually, at such times and places as shall be designated in said bonds or the said interest coupons, and said bonds shall be of such denominations and payable at such times and places as the said trustees shall designate, out none of the said bonds shall be of a greater denomination than one thousand dollars, nor run for a longer time than ten years. The said trustees shall, upon the execution of the said bonds, deliver the same to the commissioners in charge of the construction of said main sewer to be used by them for the purposes above mentioned, and for the completion of said sewer. Said bonds shall be sold at not less than their par value.

§ 2. This act shall take effect immediately.

Chap. 164.

AN ACT to enable the town of Little Valley, Cattaraugus county, to issue bonds to pay the debts incurred under the provisions of chapter five hundred and ninety, laws of eighteen hundred and sixty-nine.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of town auditors of the town of Little Valley, Cattaraugus county, is hereby authorized and required to ascertain and

certify to the supervisor and town clerk of said town, within sixty days from the passage of this act, the full amount of indebtedness chargeable to said town, under and by virtue of chapter five hundred and ninety, laws of eighteen hundred and sixty-nine, including and particularly setting forth in such certificate the bonds issued under said act, the judgments, costs, interest and all items of expense incurred by reason of litigating and contesting the validity of said bonds, to whom payable, when due; and said board of town auditors shall allow and audit to each person ascertained to be a creditor, the amount due by reason of such indebtedness, and such certificate of indebtedness, and the credit thereof, shall be recorded in the public records of said town.

Town auditors to certify to supervisor indebtedness of town.

To audit and certify claims.

§ 2. Upon receiving the certificate of the town auditors as provided in section one, the supervisor and town clerk are hereby authorized and empowered to issue bonds of said town of Little Valley to an amount not exceeding four thousand dollars, payable within five years from the first day of February, eighteen hundred and seventy-seven, in annual payments of such proportions of the principal as they may determine, with interest annually, and the proceeds arising from the sale of such bonds shall be applied and paid exclusively in the redemption of the bonds, judgments, costs, interest and all items of expense mentioned in section one; and whenever any bonds shall be issued under the authority hereof, a full record of the same shall be made in the public records of said town, and the bonds so issued shall be legal claims against said town; but no bonds issued under this act shall be sold for less than par.

Supervisor and town clerk to issue bonds to pay indebtedness.

Record of bonds.

§ 3. It shall be the duty of the board of supervisors of Cattaraugus county to levy and impose taxes upon the taxable property in said town of Little Valley, annually, for the payment of the bonds which may be issued, in accordance with section two of this act, in sums sufficient to pay and discharge the amount of principal and interest which shall be found due upon said bonds next after each annual meeting of said board, and, when collected, shall be paid by the collector to the supervisor of said town, who shall pay the same in redemption of the bonds and interest issued under section two.

Annual tax to be imposed for redemption of bonds.

§ 4. This act shall take effect immediately.

Chap. 165.

AN ACT to confirm the official acts of the town officers in the several towns in the county of Yates, and to permit them to take the oath prescribed by the Constitution.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any of the officers elected at any town meeting held in the county of Yates for the year eighteen hundred and seventy-five or eighteen hundred and seventy-six, who has omitted to take, subscribe and file the oath of office prescribed by the Constitution, within the time prescribed by law to take, subscribe and file the same within twenty days after the passage of this act, and none of the acts performed by such officers, since their election as aforesaid, shall be invalid by reason of such omission, and such acts are, and each of them

May take oath of office.

Official
acts con-
firmed.

is, hereby declared to be as legal and valid as if said oath had been taken, subscribed and filed by such officer within the time prescribed by law.

Existing
legal
rights not
affected.

§ 2. This act shall not affect the rights of any party to any suit or proceeding commenced previous to its passage.

§ 3. This act shall take effect immediately.

Chap. 166.

AN ACT to repeal chapter one hundred and fifty-eight of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the village* Akron, in the county of Erie," passed April ten, eighteen hundred and seventy-four.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to amend the charter of the village of Akron, in the county of Erie," passed April ten, eighteen hundred and seventy-four, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT to amend section two, chapter one hundred and ninety-two of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners."

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an act to amend an act entitled "An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water and to create a board of water commissioners," passed April ninth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Author-
izing
bonding
of village
for water
purposes.

§ 2. Said board of water commissioners are hereby authorized, for the purpose of extending water-pipe throughout said village or into the lake adjoining, or for the repair or erection of suitable cribs for the protection to said water-pipe and filtering the water that enters therein, to issue bonds, in addition to those already issued but not exceeding five thousand dollars in any one year, and to provide for the payment of principal and interest of the same, in the same way as for the bonds issued by authority of said act of April thirteenth, eighteen hundred and seventy-one.

§ 2. This act shall take effect immediately.

* So in the original.

Chap. 168.

AN ACT to confirm and legalize the proceedings to incorporate the village of Port Dickinson.

Passed April 22, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All, each and every of the acts of Calvin Langdon, Warren Bevier and others hereinafter named in procuring a survey to be made, by John Evans, of the territory to be incorporated as the village of Port Dickinson out of the town of Binghamton, Broome county, New York, and the census of such territory, the notices posted of the filing of the same, the notices of election to decide the question of incorporation posted up and signed by George W. Warner, H. E. Merrill, Dennis Nash, Florence McCarty, Grandville Niles, A. F. Kent, E. S. Storr, C. Bevier, Joseph Carman, Calvin Langdon, E. D. Hunt, E. Conklin, William Holt, E. Congdon, Charles Ogden, L. B. Nash and N. Beaty, also the certificate of canvass of such election, made by P. J. S. Coon and C. H. Cary on the twenty-second day of January, eighteen hundred and seventy-six, and filed in Broome county clerk's office January twenty-six, eighteen hundred and seventy-six, and the notices of an election for officers of the village of Port Dickinson, signed February ten, eighteen hundred and seventy six, by P. J. S. Coon, Luke Dickson, Charles H. Cary and Edward Van Wagoner, the election of officers in pursuance of said notice and all acts and proceedings had in relation to the incorporation of the village of Port Dickinson, and the election of officers thereof, shall be deemed sufficient and in full compliance with each and all of the requirements of the act entitled "An act for the incorporation of villages," passed April twentieth, eighteen hundred and seventy, and the acts amendatory thereof and supplemental thereto, and said proceedings are in all respects legalized, ratified and confirmed; and the territory taken from the town of Binghamton and within the following limits shall constitute the village of Port Dickinson, with all the powers provided by the act of eighteen hundred and seventy aforesaid, and the amendments thereto: "Commencing on the east side of the Chenango river at a point where the line between lots number two and three in the division of the Clinton and Melcher patent, so called, strikes said river; thence along said line south, eighty-six degrees forty-five minutes east, about twenty-three chains and fifty links to the east line of lands of the Albany and Susquehanna railroad company; thence northerly along said east line of the Albany and Susquehanna railroad company, with its various angles and turns, about one hundred and twenty-four chains to the town line between the towns of Binghamton and Fenton; thence north eighty-six degrees forty-five minutes west, along said town line about ninety chains to the Chenango river; thence down said river, with its various windings and turns, to the place of beginning; embracing within said boundaries about six hundred acres, more or less."

Proceed-
ings for
incorpo-
rating
village
legalized.

§ 2. The election of Warren Bevier, Dennison Nash and Joseph Carman, trustees of the village of Port Dickinson, at an election held in said village on the twenty-eighth day of February, eighteen hundred

Election
of village
trustees
legalized.

Terms of
office.

and seventy-six, shall not be invalid on account of the failure of any of the electors at such election to designate in their ballots the respective terms of office of the persons voted for for trustees, but the persons for whom a majority of such votes shall have been cast, shall be deemed duly elected trustees of such village; and said trustees shall, on or before the first day of June, eighteen hundred and seventy-six, meet, together with the president of the village, and the said president shall, in their presence, determine by lot who of said trustees shall serve for one year and who of them for two years; the majority of them shall serve for two years and the minority for one year, the president shall make and file in the office of the clerk a certificate stating the names of said trustees and the term of office of each as so determined.

§ 3. This act shall take effect immediately.

Chap. 169.

AN ACT to provide for the construction and maintenance of four additional public baths in the city of New York.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Four pub-
lic baths
to be con-
structed.

SECTION 1. The mayor, aldermen and commonalty of the city of New York, is hereby authorized to construct and maintain four free public floating baths, in addition to the two now in use in said city, and said additional baths shall be constructed on such plans as the said department shall deem proper, but the work therefor shall be awarded to the lowest bidder, with adequate security, as provided by law, and said baths shall be and remain under the exclusive control and management of the said department of public works.

How paid
for.

§ 2. It shall be the duty of the commissioner of public works to make requisition upon the board of estimate and apportionment, within ten days after the passage of an ordinance therefor by the common council of said city, for the appropriation of such sum of money, not exceeding sixty thousand dollars, as he may deem necessary for the construction and maintenance of the four additional public floating baths, and it shall be the duty of the board of estimate and apportionment to meet, within ten days after the receipt of such requisition, and appropriate such sum of money for said purpose.

Comp-
troller to
issue
bonds.

§ 3. It shall be the duty of the comptroller of the city of New York, and he is hereby authorized and directed to raise such sums of money as is hereby authorized to be appropriated by the first and second sections of this act, by the issue of revenue bonds, in anticipation of the taxes of the year eighteen hundred and seventy-seven, and said moneys, so to be raised, shall be paid for the construction and maintenance of said baths by the comptroller, on the requisition of the department of public works. The amount of money necessary to pay said bonds so issued shall be included in the tax levy, in the year eighteen hundred and seventy-seven, and the said bonds shall be paid out of the moneys raised by taxation that year.

Payment
of same
provided
for.

Depart-
ment of
docks to
furnish

§ 4. The department of docks of the city of New York shall, upon the requisition of the department of public works of said city, furnish free of charge, in the vicinity of such locations as shall be designated

by the department of public works, accessible, convenient and safe moorings, berths for mooring the floating baths herein provided to be constructed etc. and maintained.

§ 5. This act shall take effect immediately.

Chap. 170.

AN ACT to amend chapter sixty-eight of the laws of eighteen hundred and seventy-six, entitled "An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county," passed March seventeenth, eighteen hundred and seventy-six.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter sixty-eight of the laws of eighteen hundred and seventy-six, entitled "An act to authorize the supervisor of the town of Hastings, in the county of Oswego, to collect certain highway taxes in said county," is hereby amended so as to read as follows:

SECTION 1. It shall be the duty of the supervisor of the town of Hastings, upon the passage of this act, to cause to be inserted in the assessment roll of said town for the year eighteen hundred and seventy-five, the amount of tax levied and returned against the New York and Oswego Midland railroad for highway purposes. And upon such insertion being made, the collector of said town is hereby authorized and directed to proceed to collect the said tax in the same manner as though the same had been included in said roll, at the time of the annexing thereto by the board of supervisors of said county, of their warrant for the collection of the taxes therein mentioned, and of the delivery by the same to the collector, and all other proceedings with respect to said tax and to the collection thereof may be taken, the same as though the same had been included as aforesaid.

Directing collection of highway tax returned against New York and Oswego Midland R. R. Co.

Powers and duties of collector.

§ 2. This act shall take effect immediately.

Chap. 171.

AN ACT to legalize the official acts of David H. Carver as notary public.

Passed April 22, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the proceedings and official acts of David H. Carver, of Binghamton, in the county of Broome, done in the office and capacity of notary public in and for said county, since the thirtieth day of March, eighteen hundred and seventy-six, are, and each of them is, hereby declared as legal and valid, in every respect, as if the said

Acts as notary public legalized.

Carver had been duly appointed and qualified notary public at the time of said acts. But nothing herein contained shall affect any action or proceeding now pending in any court of this State.

§ 2. This act shall take effect immediately.

Chap. 172.

AN ACT to authorize the city of Buffalo to issue its certificates of indebtedness for the purpose of raising money to supply a deficiency in the poor department of the city.

Passed April 25, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Author-
izing issue
of certifi-
cates of
indebted-
ness.

SECTION 1. It shall be lawful for the city of Buffalo to raise money to an amount not exceeding thirty thousand dollars, to supply a deficiency in the poor department, and for that purpose the common council of said city may direct certificates of indebtedness of said city to the amount of thirty thousand dollars to be issued, payable within two years from the issuing thereof, with interest at the rate of seven per cent. Such certificates to be sold at not less than par, and the proceeds of the sale thereof to be applied in satisfaction of the outstanding indebtedness of the said city, incurred through its poor department.

§ 2. This act shall take effect immediately.

Chap. 173.

AN ACT to amend chapter seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof, in so far as they relate to the city of Albany."

Passed April 26, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section Eight of title three of chapter seventy-seven of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

Laws, or-
dinances
and reso-
lutions to
be sub-
mitted to
mayor.

His veto.

§ 8. Every law, ordinance or resolution of the common council shall, before it takes effect, be presented to the mayor, duly certified by the clerk of the common council. If he approve of it, he shall sign it; if not, he shall return it with his objections, and file it with the clerk of the common council within ten days after he receives it; the said board shall, at its first regular meeting thereafter, enter the objections at length on its journal, and, within three days after said objections are so entered, shall cause such objections to be published one time in each corporation newspaper. Unless two-thirds of all the members elected

to the common council shall, at the time designated for the first regular meeting after publication as herein provided, vote to pass said law, ordinance or resolution notwithstanding the objections of the mayor, it shall not take effect. This section shall apply to all existing vetoes of laws, ordinances or resolutions which have remained unconsidered beyond the first regular meeting after receipt and publication of such veto. And unless at the time designated for the first regular meeting after the passage of this act, the common council shall, by a vote of two-thirds of all the members elected thereto, vote to pass any such law, ordinance or resolution, notwithstanding the objections of the mayor, the same shall not take effect. In every case the vote shall be taken by ayes and noes and entered on the journal. And if such law, ordinance or resolution shall not be returned by the mayor, within ten days after he has received it, it shall become a law in like manner as if he had signed it. But no such law, ordinance or resolution shall take effect in any sense, until the day following the next regular meeting of the board, except by the unanimous consent of the board; in which case it shall take effect upon its being approved by the mayor. The mayor may object to one or more of the items of the annual budget, while approving of the other portions of the budget. In such case he shall append to the resolution, at the time of his signing it, a statement of the items to which he objects, and the item so objected to, shall not take effect. He shall transmit to the common council a copy of such statement, and the items objected to shall be separately considered. If, on such reconsideration, one or more of such items be approved by two-thirds of the members elected to such common council, the same shall be part of the annual budget, notwithstanding the objections of the mayor. All the provisions of this section in relation to laws, ordinances or resolutions approved by the mayor, shall apply in cases in which he shall withhold his approval from any item or items of the annual budget.

Existing
vetoes.When
laws, etc.,
to take
effect.Mayor
may ob-
ject to
items of
annual
budget.Objec-
tions, how
treated.

§ 2. Title three of said chapter is hereby amended by adding the following sections thereto:

§ 14. The common council of said city shall have the power to pass such ordinances as it may deem proper and necessary for the protection of the several school lots, under the control of the board of public instruction of said city, and to prevent trespassing thereon, and also to prevent the alteration or change of the grade of any lot contiguous thereto from the grade of the street upon which the said lot or lots may face, as established by the said common council, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in chapter seventy-seven of the laws of eighteen hundred and seventy, and the acts amendatory thereof.

Powers of
common
council
over
school lots
and ad-
jacent
grounds.

§ 15. It shall not be lawful for any member or members of the common council, whether a committee or otherwise, to make any disbursements of corporate moneys or incur any expense in behalf of the city for repairs or supplies, or to audit accounts therefor, unless previously ordered by the common council, except for the support of the alms-house, and for the support of the lamp and gas department. And the common council shall provide by law for the auditing and payment of the necessary expenses connected with the support of the alms-house and the furnishing of the requisite lamps and gas.

Disburse-
ment of
corporate
moneys.Alms-
house
expenses.

§ 3. Section eight of title five of said act is amended so as to read as follows:

§ 8. Every person elected or appointed to any office under the city government, except constables and commissioners of deeds, shall, on or

Oaths of
office.

before their terms of office begin, or within ten days after notice of such appointment, take and subscribe before the mayor, or any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office; which oath or affirmation shall be filed in the mayor's office.

§ 4. Section five of title six of said act is hereby amended so as to read as follows:

Bonds.

§ 5. All officers or other persons who shall be entrusted with the receipt or expenditure of money, or any other property of the city of Albany, shall, before entering upon such duty or trust, give sufficient security for the faithful performance of their respective duties, in such form and amount as the common council may prescribe, which security shall be renewed whenever the mayor and common council shall deem it advisable for the public interest.

§ 5. Section one of title seven of chapter three hundred and two of the laws of eighteen hundred and seventy-two, entitled "An act to amend chapter seventy-seven of the laws of eighteen hundred and seventy, and chapter five hundred and thirty-six of the laws of eighteen hundred and seventy-one, entitled "An act to amend the act to combine in one act the several acts relating to the city of Albany," passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof, in so far as they relate to the city of Albany, is hereby amended so as to read as follows:

CHAPTER* VII.

OF THE TAKING OF PRIVATE PROPERTY FOR PUBLIC USE.

Proceed-
ings ne-
cessary
to the
taking of
private
property
for public
use.

§ 1. It shall be lawful for the common council of the said city, whenever it shall deem it necessary, by a vote of two-thirds of all the members elected to said common council, to be taken by yeas and nays, which vote shall be entered in the minutes, to take within the city any ground or other real estate, with the appurtenances, belonging to any person or persons for the purpose of laying out, opening, extending, straightening, widening or altering any street, road, avenue, park, square, wharf or slip, or for the purpose of laying out, constructing or maintaining any drain, sewer, culvert or aqueduct, or for any other public purpose or use, the said common council shall cause a notice to be published twice a week for two weeks, successively, in the official newspapers published in said city, specifying and describing the land necessary for such public improvement, and that an application will be made to a special term of the Supreme Court, to be held in the third judicial district, or at any adjourned special term held at chambers, in said district, at a time to be specified for the appointment of commissioners to inquire into and to determine what damages and compensation the owner or owners of such land to be taken will be entitled to for the same. Said commissioners shall give public notice, by a notice published daily for ten days in the official newspapers, of the time and place at which the damages and recompense which the owner or owners of such ground and appurtenances may be entitled to for the same, will be inquired into, awarded and assessed, and such damages and recompense apportioned and assessed among the owners and occupants, and upon the houses and lots of ground, and other real estate, which are to be benefited by the intended public use of the ground, with the appurtenances, which shall be required as foresaid. And the said common council shall make application to the Supreme Court, at the special term thereof, or the adjourned special term held

* So in original.

at chambers, in the third judicial department, specified in the notice above mentioned, for the appointment of three commissioners, who, unless objected to or challenged on the ground of interest or qualifications, shall be commissioners for inquiring into, awarding, assessing and apportioning the damages or recompense of the owner or owners of the property required to be taken. And in case any challenge, which shall be taken as aforesaid, shall be deemed valid by said court, or in case any person so drawn shall fail to qualify or refuse to serve, another commissioner or commissioners shall be appointed in the place of the person or persons so challenged or set aside, or fail to qualify or serve. The said three commissioners, when appointed as aforesaid, shall be notified and duly sworn, and it shall be their duty, faithfully and impartially to inquire into and assess the damages and recompense which the owner or owners of the ground, with the appurtenances, so to be taken, shall be justly entitled to, for their entire estates therein, and to apportion and assess such damages and recompense upon the owner or owners of all the houses and lots of ground which are intended to be benefited by the public use of the ground, with the appurtenances, required as aforesaid, as nearly as may be in proportion to the advantages which such owner or owners shall be deemed to acquire. And the said commissioners shall add to the amount of such damages and recompense the costs, charges and expenses incident to the proceedings, which shall, previous thereto, be taxed and certified as to the amount by any judge of a court of record; and such damages and recompense, together with said cost, charges and expenses to be taxed, and certified as aforesaid, shall constitute the whole amount of damages and recompense to be, by said commissioners, apportioned and assessed as aforesaid; and the said commissioners shall make and return, under their respective hands, into the said court, at a special term thereof, or an adjourned special term, held at chambers as aforesaid, an inquisition, in writing, of the amount of the damages and recompense which they shall assess as aforesaid, and the persons to whom the same shall be assessed, and also for the apportionment thereof in the manner above directed; and shall also designate and describe, as nearly as may be, the lots of ground included in such apportionment; and it shall also be the duty of the commissioners to designate in said inquisition the owners or occupants of the lots and parcels of land intended to be assessed, either by name or as unknown, or to describe said several lots and parcels of land by any description of metes and bounds or by reference to the city map, by which they may be respectively distinguished; and the said inquisition of the said commissioners shall be returned to the said court, and on being confirmed by the said court, shall be final, and conclusive and binding as well upon the owner and owners, as upon the lessees or occupants mentioned therein, or intended to be affected thereby, his or their heirs, executors, administrators or assigns. Upon such confirmation, the said city shall deposit, in some solvent bank in the city of Albany, to the credit of the owner or owners of each and every parcel of property taken and required for the purpose aforesaid, or shall pay to such owner or owners respectively, a sum of money equal to the value of such property as awarded and assessed by said commissioners; and in case of any deposit being so made, notice of the same shall be immediately published by the city, in the official papers, for ten days, specifying the name of the person to whose credit said deposit has been made, the amount thereof, and in what bank deposited; and, upon such payments or deposits being made, it shall be lawful for the said

Property
benefited
to be
taxed.

Costs and
charges
to be
added to
damages.

Commis-
sioners
to report
amount of
damages,
and ap-
portion
the same,
etc.

Report to
be con-
firmed by
court.

Payment
of dam-
ages may
be made
personal-
ly or by
deposit in
bank.

When de-
posited,
notice
necessary.

On payment or deposit, city to take possession of lands.

Owners to prove title in order to receive payment.

In case of neglect, amount of damages to be deposited to credit of owner unknown.

Where owner is an infant, amount to be paid guardian, etc.

Proceedings where property taken is incumbered.

Court to regulate practice and proceedings.

Costs and charges.

city of Albany to enter upon and take possession of the ground, with the appurtenances required for public use, and assessed as aforesaid, and convert the same to the public use or uses for which it is required and has been assessed, under the restrictions hereinafter mentioned; and the fee simple absolute of the ground with the appurtenances so taken shall be vested in said city, and in order to determine to whom or to whose credit such payments or deposits shall be made, it shall be the duty of the owner or owners of any property taken as aforesaid, to prove to the satisfaction of the said court or judge, their title to the premises taken, or any part thereof, at any time after the proceedings shall have been commenced before said court or judge, and before the return of the commissioners shall be confirmed; and if any owner neglects to prove his or her title to any part of the premises taken, the amount of the damages awarded for such portion of such premises shall, nevertheless, be deposited, as aforesaid, to the credit of such owner or owners, designating them as unknown owners, to be paid either wholly or in part to such person or persons as shall, by the order of said court or judge, thereafter made, be declared to be entitled thereto; and if any such owner is an infant, the said court may authorize the amount belonging to said infant to be paid to his or her guardian or trustee, on receiving satisfactory security from said guardian or trustee, to account to the said infant for the same. And if the amount belonging to any infant is deposited as aforesaid, the fact of such infancy shall be stated in the entry of such deposits upon the books of the bank where the same shall be made, and the amount deposited shall not be paid to the guardian or trustee of said infant until an order of the said court or judge is obtained authorizing such payment. And if it shall appear to the said court or judge that the title to any part of the said premises taken, and for which any award was made, was subject to any incumbrance or incumbrances, at the time of the confirmation of the said report of the court, the said court or judge may order that the amount of the said award, or so much thereof as may be necessary to satisfy said incumbrances, be paid to the party or parties holding the same, according to their respective rights, or to be deposited to their credit respectively, in like manner in all respects as aforesaid, unless the owner or owners of said premises, or any of them, shall object to any such payment or deposit, in which case such amount shall be deposited to the credit of the clerk of said court, subject to be paid out only on the order of said court on a settlement of the rights of the parties. And the said court or judge shall proceed without delay to determine the rights of the said incumbrancers, and shall make such rule or order as may be equitable, and according to the rights of the several parties; and if any of the parties concerned are dissatisfied with any decision or order of the said court in the premises, such party or parties may, within ten days thereafter, file his or their exception to the same, and thereupon an issue may be made up and tried in said court to determine the rights of all or any of the parties in that behalf, upon which the said court shall render judgment as in other cases. And the said court may, from time to time, make such rules and regulations, relating to the practice and proceedings in said matters under this section, as shall be deemed proper. Upon the presentation or confirmation of the report of said commissioners, the chamberlain is authorized and directed to pay to said commissioners, corporation counsel and surveyor, the costs and charges as taxed by the judge or court, and also for any proceeding heretofore had or now pending.

§ 7. Section one of title nine of chapter seventy-seven of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

TITLE IX.

OF REPAIRS, ETC., OF STREETS.

SECTION 1. The street commissioner shall report to the mayor, in writing, in any case, if any of the sidewalks (including resetting curb), cross-walks and carriage-way in any of the paved, macadamized, earth or plank streets in the said city require repairing or relaying, and if the mayor shall, in writing, give his assent thereto, the same shall be repaired or relaid, as may be deemed necessary by such officer; provided that, when the expense of repairing and keeping in repair such sidewalks, cross-walks or carriage-ways shall be charged to and assessed upon the house or houses, lot or lots benefited thereby, or in front or rear of which such repairs are required to be made, the owner or owners, agent or occupants, or person in possession shall have not less than ten days after the service of notice, in which to commence and complete his or their said work, and such further time as the street commissioner and mayor shall direct. When said notice is not served upon the owner personally, a written or printed copy thereof shall be deposited in the Albany post-office, inclosed to the address of such owner or owners; and if such house or lot be vacant, and the owner or agent is unknown, then a notice requiring such repairs to be made within the time designated, shall be published not less than three times in the official newspapers of the city of Albany, and a copy of such notice posted upon such vacant house or lot, in some conspicuous place; and that a record of the time and manner of service, and upon whom made, shall be certified by the street commissioner or officer serving the same, and kept in the street department for public inspection; and which record, or a copy thereof, when so certified, shall be presumptive evidence of the regularity of such service. After the expiration of ten days from such personal notice, or from the first publication and posting, such repairs shall be done by the street commissioner, as hereinafter provided. Provided that in extraordinary cases and in cases of emergency, when the condition of any such paved, macadamized or plank streets or any portion thereof, shall become dangerous for travel, such commissioner shall, upon the written instruction of the mayor, after such commissioner has reported his opinion thereon in writing to the mayor, proceed at once to make the necessary repairs. In such cases, it shall be the duty of the board of contract and apportionment to determine what portion, if any, of the expense thereof ought to be paid from the public treasury, and what portion, if any, ought to be paid by a local assessment. In the former case, the amount shall be paid on a certificate of such board, and in the latter such board shall make the assessment and apportionment in accordance with title eight of chapter seventy-seven of the laws of eighteen hundred and seventy, and the acts amendatory thereof.

Repairing of side-walks, etc.

Owners of lots benefited to be notified.

Manner of serving notice.

Street commissioner may commence work after ten days.

Exceptions.

Adjustment of expenses.

Expense, how to be paid.

§ 8. Section two of title nine of chapter seventy-seven of the laws of eighteen hundred and seventy, as amended by section four of chapter three hundred and two of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 2. All the provisions of this act relating to assessments and apportionments, and the collections of the same, shall apply to the work contemplated and directed to be done by the preceding section of this act,

Assessments and apportionments.

When to
be re-
assessed
and re-ap-
portioned.

Provisos
in cases of
bridges,
etc.

Not ex-
ceeding
\$5,000 may
be tempo-
rarily bor-
rowed
from city
funds to
pay ap-
portion-
ments.

Cleaning,
etc., of
streets, by
districts.

Assess-
ments.

Land sold
for assess-
ments,
marshal to
give no-
tice.

and the apportionment for the expense thereof shall be made by the board of contract and apportionment; and in case any apportionment or assessment made for the work described in the preceding section, or made for any work done under any law or ordinance duly passed by the common council, shall be set aside by any court of this State having competent jurisdiction, or shall fail from any irregularity in making and confirming such apportionment or assessment it shall be lawful for the city of Albany to cause a new apportionment and assessment, including the interest and expenses on the former apportionment or assessment, to be levied and collected; and such new apportionment and assessment shall have the same force and effect as though no former apportionment or assessment had been made. Provided that all bridges constructed on the line of any street or avenue; or culverts constructed over any stream or run of water across any street or avenue, and the maintaining and repairing the same within street lines; also ordinary repairing the carriage-way of any unpaved, earth, planked or macadamized streets and cross-walks, shall be charged upon said city; and the amount of money required to defray the expenses thereof in any municipal year, or any deficiency therein, shall be raised by tax, in the same manner as other city taxes are levied and collected; and the chamberlain is authorized and directed to pay the charges and expenses thereof, on the certificate of the street commissioner, after the same shall have been audited by the board of contract and apportionment. Thirty days after the confirmation of any apportionment for repairs done under section one of title nine of chapter seventy-seven of the laws of eighteen hundred and seventy, the chamberlain is authorized and directed to temporarily borrow from the abovenamed fund, or from the fund known as contingent, or street contingents, and to pay the parties entitled thereto for the repair so done, and for which any apportionment and assessment has been made and confirmed, and to refund the same from collections made from said apportionments; provided that the sum so borrowed for that purpose, in any one year, shall not exceed five thousand dollars.

§ 9. Title nine of chapter seventy-seven of the laws of eighteen hundred and seventy is hereby amended by adding the following section:

§ 3. It shall be the duty of the board of contract and apportionment to regulate the cleaning, sweeping and sprinkling of the streets, avenues, alleys, sidewalks, wharves, docks and roads in said city, and to award contracts for such cleaning, etc., in any of the districts hereinafter mentioned, and to assess the expense thereof upon the property benefited. The city shall be divided into districts, and the expense of cleaning, etc., such district shall be assessed and apportioned upon the property included therein respectively, in proportion to the extent of the street cleaned, etc., in front of such property, to the center line of the street. The assessments herein provided for shall be made and collected in the same manner as other assessments for street improvements in the city of Albany.

§ 10. Section nine of title ten of chapter seventy-seven of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 9. The said marshal shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous to the sale, by advertisement, to be posted up in at least three public places in the ward where such sale shall be made. The sale shall be by public auction. The said marshal shall be entitled to add to the taxes and

interest collected under and by virtue of his warrant, the sum of two per centum upon the amount collected over one hundred dollars, and the sum of five per centum on one hundred dollars and under, together with the actual expenses of advertising, removing and selling said goods and chattels; such expenses to be proven by affidavit and audited by the receiver of taxes. Fees of marshal.

§ 11. Section twenty-eight of title twelve of chapter seventy-seven of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 28. It shall be a misdemeanor punishable by imprisonment in the county jail or Albany penitentiary for not more than one year and not less than three months, or by a fine of not more than two hundred and fifty dollars and not less than fifty dollars, in the discretion of the court, for any person without justifiable cause to use or incite any other person to use personal violence upon any elector upon any election day in said city of Albany, or upon any member of the police force thereof, at any time when in the discharge of his duty, or for any such member willfully to neglect making any arrest for an offense against the law of this State, or any ordinance in force in any part of said city of Albany, or for any person not a member of said police falsely to represent himself as being such a member with a fraudulent design upon persons or property. Certain acts declared misdemeanors.

§ 12. Section thirty-six of title twelve of chapter seventy-seven of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 36. It is hereby declared to be the duty of the common council of the city of Albany to provide, at the expense of said city, within each police precinct of said city, all necessary accommodations for the station-houses required by said board of police for the accommodation of the police force of such precincts, and for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses. In case said common council neglect or refuse, for sixty days after having been thereto in writing requested by said board, to provide such accommodations or station-houses which, in the opinion of said board are suitable, or to put such station-houses in due repair, then said board may make their own provisions therefor, whether by contracts of hiring or repairing proper premises; and the expenses thereof shall be a proper expense of, and a charge against, the said city of Albany. Provided, in case there shall be at any time a sufficient surplus arising from unexpended moneys raised for the annual support of the police department, but not used or necessary for that purpose, it shall be lawful for said board to apply the same, without the consent of the common council, to the purchase of a lot and the erection of a building thereon, to be used as a station-house in any of the police precincts of said city. Common council to provide accommodations for police force, etc. In certain cases the board of police may make their own provisions.

§ 13. All acts and parts of acts, inconsistent with this act, are hereby repealed.

§ 14. This act shall take effect immediately.

Chap. 174.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," and passed February twenty-eight, eighteen hundred and seventy-three.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-eight of an act entitled "An act to provide for a supply of water in the city of Yonkers," passed February twenty-eight, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Income of
water
works,
how ap-
plied.

Report of
commis-
sioners.

Interest
on water
bonds,
how to be
paid.

Bounda-
ries of
water dis-
trict.

Assess-
ments.

§ 28. The entire annual income from all sources, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and of managing and using the same, and other necessary expenses, shall be applied toward the payment of the interest on the loans and toward the creation of a sinking fund for the payment of the principal of the loans as it shall from time to time become due and payable, which sinking fund shall be managed by said commissioners. After the introduction of water into the city for general use, said board of water commissioners shall annually, on the first Monday in December of each year, report to the common council the amount of moneys received by them from all sources, and the payments made by them for the support and maintenance, and the necessary expense of managing of the water-works during the preceding year, and for work authorized by law, and shall pay over to the treasurer of the city of Yonkers any balance remaining in their hands, to be applied by him to the payment of interest on the water bonds. In case the amount so reported and paid by the water commissioners should not be sufficient to pay the interest on the water bonds for the ensuing year, the difference between the sum paid as aforesaid to the city treasurer and the sum required to meet the interest on said water bonds for the ensuing year shall be raised by tax, to be known and called the water tax, and which tax shall be levied and assessed by the common council of the city of Yonkers on and become a lien upon and be collected from the real property within a district, the boundaries of which district shall from time to time be fixed by the common council, and may by the common council from time to time be altered and changed, and which district shall be known as the water district. Such boundaries shall not extend farther than to include all the pieces and parcels of land lying between the Hudson river on the west and a line on the other sides of said district, distant not exceeding one thousand feet from the exterior line of distribution pipe, which, at the time of fixing or changing said district, shall have been laid in the said city, but to include nevertheless within said district all docks, wharves and piers built in said river, and all buildings and other constructions built or erected on land under the waters of said river. The assessors of said city of Yonkers shall annually make a separate assessment roll of the real property in said water district for the use of the common council in levying, assessing and collecting said water tax, which assessment roll shall be made at the same time and in the same manner

and form as is or may be provided by law for making the assessment roll for assessing, levying and collecting city taxes. Such water tax shall be apportioned and extended by or under the direction of the common council of said city upon all the different pieces or parcels of land within such water district, and shown upon said separate assessment roll, according and in proportion to the several valuations thereof, as shown on said roll; and in all other respects said water tax shall be assessed, levied and collected in the same manner, as near as may be as is or may be prescribed by the charter of the city of Yonkers for the assessment, levying and collecting of taxes within said city, but the same shall be assessed and collected by and upon such separate assessment roll, and by a separate warrant, and by a separate return to such warrant; but such warrant shall be issued, as near as may be, at the same time with the warrant to collect city taxes; and for the valid assessment of any lands under this section, it shall be sufficient to give the name of the owner, when known, together with the lot number, if any, on any designated map, the side of the street upon which such lot is located, and the size thereof, as nearly as can be ascertained, and the value thereof. In case the owner or owners of any of said lots shall not be known to the assessors, then the same shall be assessed to "unknown owners." No error in the name of the owners shall invalidate the assessment, nor shall any error in the description invalidate the assessment, unless the same shall mislead the owner of such land. Any water tax assessed and levied under this section, shall, to all intents and purposes, be a tax within the intent and meaning of and subject to all the provisions of title six of chapter thirty-five of the laws of eighteen hundred and seventy-three, being the charter of the city of Yonkers; and the same proceedings shall be had by the common council for the sale of lands for the non-payment of any such water tax as is or may be prescribed in said title or elsewhere in said charter for the sale of lands for the non-payment of taxes, and the leasing thereof, with like effect in all respects. The said board of water commissioners shall, by ordinance or by-law, establish a day on which shall commence each fiscal year. The first fiscal year shall consist of that period of time between the day when the said commissioners shall elect and determine to commence the supply of water for said city, and the day as aforesaid to be designated as the day on which the fiscal year shall commence. The said board of water commissioners are hereby authorized to ascertain, and by resolution to determine, a day upon which, for all purposes of this act, it shall be deemed that water shall have been introduced for general purposes according to the intent and meaning of this act.

Appor-
tionment
and col-
lection of
water tax.

Errors.

Liens for
non-pay-
ment of
taxes.

Fiscal
year.

When
water
deemed
intro-
duced.

§ 2. Section twenty-nine of said act is hereby amended so as to read as follows:

§ 29. The board of water commissioners of the city of Yonkers shall have a right of action against the owner or the occupant of any land or building on or in which water shall be used for the amount of water rents chargeable thereon, which cause of action shall accrue from the time such water rent shall become due and payable. No interest shall be charged on water rents paid within thirty days after they become due. Water rents which shall remain unpaid at the expiration of thirty days, and which shall be paid within sixty days after the same shall have become due and payable, shall draw interest at the rate of seven per cent. per annum from the day the same became due and payable; and water rents which shall remain unpaid for sixty days or more after the same become due and payable, shall draw interest at the rate of seven per cent. per annum until paid, to be computed from the day

Rights of
action.

Interest
chargea-
ble.

when the same became due and payable; and judgments recovered in the name of the said board for such unpaid water rents shall draw interest at the rate of seven per cent. per annum.

Repeal of
portions
of section
twenty-
two.

§ 3. All that part of section twenty-two of said act, which follows the words "falling due after the year eighteen hundred and seventy-six," is hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 175.

AN ACT to enable the Owego Steamboat Company to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Author-
izing im-
prove-
ment of
Susque-
hanna
river.

SECTION 1. The Owego Steamboat Company are hereby authorized to improve the navigation of the Susquehanna river between the village of Owego, in the county of Tioga, and the city of Binghamton, in the county of Broome, by the removal of rocks, bars, eel wears,* dams not now in use for milling purposes, and other obstructions from the channel thereof, and by deepening of said channel at any points where it may be desirable for the purpose of navigating said river by steamboat between said village and said city.

Unlawful
to erect
eel weirs,
etc.

§ 2. It shall not be lawful for any person or persons to erect any eel wear* or dam, or to place any obstruction in the channel of said river between said city and said village, so as to impede or obstruct the navigation of said river by steamboat; and for every violation of the provisions of this section, or any of them, every person violating the same or assisting in the violation thereof, shall be subject to the penalty of and shall forfeit two hundred dollars, to be sued for and recovered by the said steamboat company for the use thereof.

Penalty.

§ 3. This act shall take effect immediately.

Chap. 176.

AN ACT supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled "An act to provide for the incorporation of religious societies, and the acts supplementary thereto."

Passed April 26, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Temporal-
ities of ro-
ligious so-
cieties,

SECTION 1. The rector, wardens and vestrymen, or the trustees, consistory or session of any church, congregation or religious society, incorporated under any of the laws of this State, shall administer the

* So in the original.

temporalities thereof and hold and apply the estate and property belonging thereto, and the revenues of the same, for the benefit of such corporation according to the rules and usages of the church or denomination to which said corporation shall belong; and it shall not be lawful to divert such estate, property or revenue to any purpose, except the support and maintenance of any church or religious or benevolent institution or object connected with the church or denomination to which such corporation shall belong.

§ 2. Each and every of the corporations aforesaid may receive, use and apply all rents and income derived from pews of their respective churches, in addition to the annual income limited by any statute now in force relating thereto.

§ 3. Any two or more of the corporations aforesaid, are hereby authorized to unite and consolidate themselves into a single corporation of the denomination to which at least one of such corporations shall belong, in the manner following: The said corporations may enter into an agreement under their respective corporate seals for the union and consolidation of the said corporations, setting forth the terms and conditions thereof, the name of the proposed new corporation, the church or denomination to which it shall belong, the names of the persons who shall be the church wardens and vestrymen, or elders and deacons, or trustees or other officers, as the case may be, until the first annual election of the proposed new corporation, and fixing the day of such election. But in the case of Protestant Episcopal churches, no such agreement shall be valid unless approved by the bishop and standing committee of the diocese in which such churches are situated. Each of the said corporations may make its separate petition to the Supreme Court, in the judicial district in which such corporations are situated, for an order for such union and consolidation, setting forth in such petition the reasons for such union and consolidation, the agreement made as hereinbefore provided, and a statement of all of its property, real and personal, all its debts and liabilities, and the amount and sources of its annual income. Upon such petition from each of such corporations so proposing to be united and consolidated, and upon the said agreement, satisfactorily proved or certified, the Supreme Court may, in case it shall deem it proper, make an order for the union and consolidation of such corporations, determining all the terms, conditions and provisions thereof. All parties interested therein may be heard on such petition. When such order is made and entered, according to the practice of the court, the said corporations shall be united and consolidated into one corporation, by the name designated in the order; and it shall have all the rights and powers, and be subject to all the obligations of religious corporations under the act to which this is supplementary, and the acts amendatory thereof and supplementary thereto.

§ 4. And thereupon all the estate, rights and property, of whatsoever nature, belonging to either of said corporations, shall, without further act or deed, be vested in and transferred to the new corporation as effectually as they were vested in or belonged to the former corporations, and the said new corporation shall be liable for all the debts and liabilities of the former corporations, in the same manner and as effectually as if said debts or liabilities had been contracted or incurred by it.

§ 5. This act shall take effect immediately.

how administered.

Rents of pews.

Union of corporations.

Exceptions.

Petition to supreme court for order, etc.

Parties interested to be heard.

Effect of order.

Chap. 177.

AN ACT to amend chapter eight hundred and ninety, laws of eighteen hundred and sixty-seven, entitled "An act to lay out Washington square, at Stapleton, in the town of Middletown, county of Richmond, and to provide the means therefor," passed May tenth, eighteen hundred and sixty-seven, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter eight hundred and ninety of the laws of eighteen hundred and sixty-seven, entitled "An act to lay out Washington square in the town of Middletown, county of Richmond, and to provide the means therefor," is hereby amended so as to read as follows:

Tax to pay
Washington square
bonds.

Applica-
tion of
funds.

Manner of
calling in
bonds.

Bonds
pur-
chased to
be in-
dorsed
and re-
tained.

§ 7. The board of supervisors of Richmond county shall, in each year until the said Washington square bonds shall be fully paid, levy on the taxable property within the village of Edgewater, in addition to the interest payable in each year on said bonds now outstanding, the sum of three thousand four hundred dollars, and shall cause the same to be paid over to the commissioners named in this act, or the survivors or survivor of them, and such sum then received by said commissioners shall be used and applied by them as follows, that is to say: the sum of three hundred dollars thereof shall in each year be used and applied by them to the preservation, keeping in order or improvement of said Washington square, and the remainder of three thousand one hundred dollars thereof shall in each year be used and applied by them to purchase such Washington square bonds at the lowest price at which they can purchase the same not exceeding par. For the purpose of making such purchase said commissioners shall annually, in the month of February, cause to be inserted in a paper published in Richmond county, once in each week for three weeks, a notice inviting tenders in writing of such Washington square bonds at a price not exceeding par, and stating where and to whom such tenders shall be made and when and where the same will be opened and the awards made; and at such time and place the commissioners or any two of them shall attend and open such tenders, and shall accept such of them as shall offer such bonds at the lowest price, to the amount which the money which they have applicable to such purpose will allow, and shall purchase and pay for such bonds so accepted. Such bonds so purchased by said commissioners shall be indorsed, "purchased by sinking fund," with the date of such purchase, and such indorsement shall be signed by such commissioners. Said bonds shall thenceforth be held and retained by said commissioners, and the interest thereon when collected shall be added to the fund annually raised by taxation as aforesaid, and applied in the same manner to the annual purchase of bonds for said sinking fund.

§ 2. Said act is hereby further amended by adding thereto the following section as section eight:

§ 8. The said commissioners shall annually, between the first day of May and the first day of July in the year eighteen hundred and seventy-seven, and thereafter until all of the said bonds are purchased for said sinking fund or otherwise redeemed and paid, make a report to the board of supervisors of Richmond county, verified by their affidavit to the correctness thereof, of all moneys which during the preceding year have been received by them as aforesaid, and of the bonds purchased by them and held for such sinking fund, giving amounts and dates of such purchases and the numbers and amounts of such bonds; and when all of said bonds have been purchased by them, and are held by them in said sinking fund, said commissioners shall cancel all of said bonds and shall make a final report to the board of supervisors, and shall deliver to said board with said report all of said bonds so cancelled as aforesaid.

Commis-
sioners to
report an-
nually.

Cancell-
ation of
bonds,
and final
report.

§ 3. Said act is hereby further amended by adding thereto the following section as section nine:

§ 9. In the event of the decease or removal from the county of Richmond of a majority of the commissioners, such surviving or remaining commissioner shall apply to the county judge of Richmond county for the appointment of another commissioner, giving ten days' notice in writing of the time and place of such application to the trustees of the village of Edgewater, by serving such written notice on the president or clerk of said village, and at such time and place said county judge shall hear the said surviving or remaining commissioner on said application, and the said trustees of said village, if they shall appear and desire to be heard thereon, and the county judge of Richmond county shall thereupon appoint some proper person, a resident of said village as such other commissioner by an order in writing under his hand, which shall be filed in the office of the clerk of the county of Richmond, but said county judge shall not appoint any person as such commissioner who shall be objected to both by said surviving or remaining commissioner and by said trustees of said village. Such commissioner so appointed by said county judge, shall have and possess all the powers and perform all the duties conferred or imposed upon the several commissioners named in this act.

Vacancy
in office of
commis-
sioner,
how filled.

§ 4. This act shall take effect immediately.

Chap. 178.

AN ACT to authorize the moneys collected of the taxpayers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year eighteen hundred and seventy-two, to be paid to the supervisor of said town of Orleans.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Keech, who was duly elected collector of the town of Orleans, in the county of Jefferson, for the year eighteen hundred and seventy-two, is hereby authorized and empowered and directed to pay to the supervisor of the said town of Orleans all moneys now remaining in his hands, which have been collected by him

Money to
be paid
over.

as such collector from the tax-payers of said town for railroad purposes.

Supervi-
sor to give
duplicate
receipts;
one to be
filed with
county
treasurer.

§ 2. It is hereby made the duty of the supervisor of said town to receive the moneys from the said John Keech, and on receipt of the same to give the said John Keech, as collector, duplicate receipts therefor, one of which duplicates shall be filed by the collector with the county treasurer of Jefferson county, and shall entitle him to a credit on the books of the county treasurer for the amount therein stated to have been received.

Bond of
collector,
how dis-
charged.

§ 3. Upon the filing of said duplicate receipt with said county treasurer, and the settlement of the amount of taxes directed to be collected by said John Keech, as collector, aside from the said railroad moneys so collected by him, the said county treasurer shall, if requested, give to said John Keech, as such collector, or to any of his sureties, a satisfaction piece in writing, and shall acknowledge the same before a person authorized to take acknowledgments of satisfactions of judgments in in courts of record, and upon production of such satisfaction piece, so acknowledged as aforesaid, the clerk of the county of Jefferson shall enter satisfaction of the record of the said John Keech's bond as collector, which shall thereby be discharged.

Money,
how used.

§ 4. It shall be the duty of the said supervisor of said town of Orleans, on receipt of said moneys so paid to him by John Keech, collector as aforesaid, to safely keep the same and apply them towards the extinguishment of the next tax assessed on said town of Orleans after the receipt of said moneys.

Rights of
persons
holding
coupons
not
affected.

§ 5. Nothing in this act contained shall be so construed as in any manner to affect the right of the holder of any coupons cut from any bonds issued by said town for railroad purposes, to maintain an action against said town to recover the money intended to be secured by such bonds and represented by such coupons; and all the rights now by law existing in such holder to have such coupons paid out of the money mentioned in section one of this act, shall continue in full force against said town. The supervisor of the town of Orleans by accepting the money mentioned in the first section of this act shall be deemed thereby to have assumed and accepted all the liabilities in regard thereto that existed against the said John Keech before the passage of this act, and any and all remedies that might have been enforced against the said John Keech shall thereafter exist against the said supervisor and may be enforced against him.

Liabilities
of super-
visor.

Chap. 179.

AN ACT to amend chapter thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reenact and amend an act entitled 'An act to incorporate the city of Yonkers,' " passed June first, eighteen hundred and seventy-two.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of title three of an act, entitled an act to reenact and amend an act entitled an act to incorporate the city of

Yonkers, passed June first, eighteen hundred and seventy-two, being chapter thirty-five of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 2. The mayor shall sign all resolutions, ordinances and by-laws passed by the common council, approved by him, and all appointments made by him or by the common council. If he shall fail to sign or veto such resolution, ordinance, by-law or appointment within ten days after its passage, it shall become valid and effectual. He shall have power to veto any resolution, ordinance or by-law, or other proceedings of the common council, or if any such ordinance, by-law, resolution, or other proceeding, contains several items of appropriation of money, he may veto one or more of such items, while approving the other parts of such by-law, ordinance, resolution, or other proceeding, and in such case he shall append to such by-law, ordinance, resolution, or other proceeding, at the time of signing it, a statement of the items of appropriation of money to which he objects, and the appropriations so objected to shall not take effect except as hereinafter provided, and it shall be his duty to veto any resolution, or ordinance, or item of appropriation of the common council within ten days after its passage, when, in his judgment, it is in violation of law, or appropriates money, or involves expenditures improvidently, or if, in his judgment, he shall deem the same improper. Such veto shall be filed, with his reasons therefor, in writing, with the city clerk within the said ten days, and shall be presented to the common council and entered upon the minutes of the next meeting of the common council, after filing such veto. If, at the next meeting of the common council, or within thirty days thereafter, two-thirds of all the members elected readopt such resolution, ordinance, by-law, or item of appropriation of money, or other proceeding so vetoed, it shall be valid and effectual notwithstanding such veto.

Mayor to sign ordinances, etc.

If not signed within ten days, to be valid.

May veto items of appropriation.

Veto to be filed with clerk.

Proceedings in case of veto.

§ 2. Title five of said act is hereby amended by adding at the end thereof, as an additional section to said title, the following:

§ 8. When the owner of any shares of the capital stock in any bank or banking association upon which shares of stock a tax shall have been levied and assessed for any purpose by the common council of the city of Yonkers, shall have omitted or refused to pay the tax assessed thereon, the city treasurer shall have an action to collect any such tax, heretofore laid, levied or assessed, or which may hereafter be laid, levied or assessed for any purpose by the common council of said city upon any shares of the capital stock of any bank or banking association organized under the authority of this State or of the United States, from the avails of the sale of the shares of stock upon which such tax has been or may be laid, levied or assessed, and the tax on the share or shares of such stock shall be and remain a lien thereon till the payment of such tax; and such lien may be enforced by action, by said city treasurer, in any court having jurisdiction, and the judgment in any such action may direct the sale of such shares of such stock for payment of such tax and interest, and commissions, and costs, or may direct the payment of such tax, interest, commissions and costs, out of any dividends declared upon such shares of stock by such bank or banking association, and required by law to be retained as necessary to pay any taxes assessed thereon.

Owners' of bank stocks omitting or refusing to pay tax may be sued by treasurer, etc.

§ 3. Subdivision thirty-two of section six of title seven of said act is hereby amended to read as follows:

32. To provide for employing or using the labor of persons sentenced in courts held by the city judge of said city under this act, and whenever the common council shall provide for the using of the labor of such persons on the public works of said city, or for the breaking of stone for

Labor of persons sentenced by city judge.

the use of said city, or for using such labor in any other manner, it shall be the duty of the commissioners of police of said city to enforce by the police of said city, the performance of such labor and for the security of the persons so sentenced, while so at labor, in the same manner as is provided by law where convicts in county prisons are so employed.

Crimes for which such sentences may be imposed.

When any person shall by any such court be convicted and sentenced for vagrancy or disorderly conduct under this act, and whenever any person whomsoever shall be sentenced by such court for a term of imprisonment less than fifteen days, he may be sentenced to imprisonment and hard labor within the city of Yonkers, and in such case shall be committed to the care and custody of the commissioners of police of said city, who shall safely keep such person for the term for which he is so sentenced in the prison under their charge, and at hard labor, as herein provided. The board of police commissioners shall annually make out and verify and present to the board of supervisors of the county of Westchester, an account of the expense of maintenance of such prisoners so kept at hard labor, also the expense of supporting all prisoners committed to the lock-up, keep or jail under their charge, also an account of all persons committed to and conveyed by the officers of police to the county jail, the reasonable value of conveyance to such jail, and the value of services of officers so conveying them to jail, all of which shall be deemed county charges, and shall be by said board of supervisors audited, levied and collected as other county charges, and paid over to the treasurer of the board of police commissioners.

Annual report of expense of maintenance, etc.

§ 4. Subdivision thirty-five of section six of title seven of said act is hereby amended so as to read as follows:

Use of steam boilers.

§ *35. To prevent and prohibit the use within said city of steam boilers and permit the use of steam boilers, under such conditions and regulations regarding safety to life and property as the common council shall prescribe; to provide for the annual or other periodical inspection and testing of all steam boilers used, or proposed to be used in said city; to appoint for a specific term, or during the pleasure of the common council, a competent person to be inspector of engineers and of steam boilers, and to prescribe his powers, and duties, and liabilities, and the fees of his office; to provide for the examination and licensing of steam engineers, or persons to be authorized to run, manage, or operate steam engines and steam boilers, and to prevent and prohibit any person from using, running, or managing, or operating any steam engine or steam boiler except such persons as shall have been licensed so to do, or from using, having in use, running, operating or managing any steam boiler until the same shall have been duly inspected, and its use permitted, or for a greater length of time than shall be so permitted; and when the common council shall have made provision, by ordinance, for the examination and licensing of such engineers, and for the inspection and permitting the use of steam boilers, any person who shall use, operate, manage, or run any steam engine, or steam boiler, without being thereto licensed, or who shall use, or keep for use, manage, run or operate any steam boiler until the same shall have been inspected, and its use permitted, or for any time beyond the time for which its use shall have been so permitted, shall be deemed guilty of a misdemeanor, but this act shall not apply to the boilers of railroad locomotives, or to locomotive engineers.

Licensing of steam engineers.

§ 5. Subdivision twenty of section six of title seven of said act is hereby amended so as to read as follows:

20. To regulate the manner of and to prevent carting, carrying, keeping and storing or using of gunpowder, kerosene, petroleum and other combustible and dangerous materials, to prevent the manufacture thereof, and to regulate the use of candles and lights in livery and other stables and outbuildings, and to prescribe what kinds and qualities only of kerosene, petroleum and other combustible or dangerous oils, fluids or other materials and substances may be sold, carted, carried, kept, or used in said city.

Regulating use of combustible materials.

Use of lights in livery stables, etc.

§ 6. Section nine of title seven of said act is hereby amended so as to read as follows:

§ 9. Violations of any ordinance, by-law, rule, regulation or resolution adopted in pursuance of this act, may also be restrained by injunction to be granted by any court or officer having power to grant injunctions, and the injunction order may also be granted by the city judge of Yonkers, and the city court of Yonkers shall have full power and jurisdiction to render and to enter judgment perpetually enjoining and restraining such violation, and such violation may be so restrained by injunction in the same action brought to recover any penalty, or penalties, for actual violations of the same ordinance; and causes of action to recover two or more penalties for violation of the same ordinance may be joined in the same action. Upon the granting of any such injunction, no undertaking shall be required on the part of the city. Any disobedience of any such injunction order, or of such final judgment restraining such violation, may be punished by fine or imprisonment, or both as provided by law.

Violations of ordinances may be restrained by injunction.

Joining of actions.

Injunction may be granted without an undertaking.

§ 7. Section twenty-one, of title eight of said act, is hereby amended so as to read as follows:

§ 21. The regulating, re-regulating, grading, regrading, paving and repaving and graveling of streets and avenues, or any part or section thereof, the completing and finishing of the regulating and grading and building of all streets, roads or avenues, and the bridges thereon, which heretofore have been or hereafter may be laid out, within said city, by any lawful authority, or any part or section of such roads, streets or avenues, constructing and erecting of sewers, drains, wells, pumps, fire cisterns, laying water pipes and hydrants for fire purposes, culverts and bridges, may be contracted for by the said common council, and the expense thereof shall be apportioned and assessed upon the parties benefited thereby, by commissioners to be appointed as hereinafter directed.

Streets, etc.

§ 8. Title eight of said act is hereby amended by adding at the end thereof the following eight additional sections:

§ 42. The board of water commissioners of the city of Yonkers are hereby authorized and required to make the necessary surveys and examinations, and to prepare a general plan or system of sewers for said city. Such plan shall consist of a map or maps with such necessary specifications or descriptions as shall be required to describe and locate such general system. Such plan may be prepared as a whole or in parts or sections, and from time to time, as said board of water commissioners may determine, and shall show the streets in the city embraced in said plan or section with the location, course, size and kind of sewers proposed to be constructed in accordance with such general plan or system, and also all existing sewers, all of which shall be plainly shown and designated as near as may be in colors, figures, letters, lines and numbers, or otherwise within or near the lines of the streets shown thereon, or in tables to be written or printed or drawn upon such plan or sections, or in both such ways as may be deemed best by said

Water commissioners to make plans for sewers.

Plan to consist of maps, etc.

To be approved by common council and filed.

When not approved may be changed and re-submitted.

May be altered after approval.

Sewers to correspond to plan.

Water commissioners to approve of sewers built.

When common council may contract for construction of sewers, etc.

Estimates and assessments.

board of water commissioners. When said general plan, or any section thereof, shall have been completed and adopted by said board of water commissioners, the president and clerk of said board of water commissioners shall so certify in writing thereon, and the same shall then be presented to the common council of said city, who shall examine the same, and if approved by the said common council, the mayor and city clerk of said city shall so certify in writing thereon, and affix thereto the corporate seal of said city, and the same shall then be filed in the office of the city clerk. In case the common council shall fail to approve any such plan or section, they shall return the same to the board of water commissioners, who shall thereupon be authorized to proceed again and amend the same, or prepare a new plan or section, and adopt the same in like manner as aforesaid, and cause the same to be presented to the common council, who may take the same proceeding and adopt, certify and file the same as above provided. The said general plan, or any section thereof, after the same shall have been so approved and filed, may be altered and changed by the making, completing, adopting, approving, certifying and filing of a map, and if necessary a specification showing such change or alteration in the same manner as above provided as to said general plan or section thereof. After the filing of any such general plan or section, all sewers thereafter built or constructed in said city shall conform, as near as may be, to the general system of sewers, as indicated on such plan or section.

§ 43. After the first day of May, eighteen hundred and seventy-six, no sewers to be contracted for by the common council shall be built or constructed in said city, except by the approval of the board of water commissioners of said city, and in accordance with plain and accurate specifications therefor, to be prepared by the said board of water commissioners of said city.

§ 44. For the constructing and erecting or building of all sewers, drains, wells, pumps, fire cisterns, and the laying of water pipes and hydrants, the specifications of the work proposed to be constructed, and required by section twenty-two of this title, to be prepared and placed in possession of the city clerk for public inspection shall in all cases be prepared by the board of water commissioners of the city of Yonkers, and when such specification, with any plans accompanying the same, shall have been adopted by the board of water commissioners, the president and clerk of said board shall so certify thereon, and the same shall then be placed in the possession of the city clerk for public inspection, and shall be filed in his office. Whenever any such specification of any such work proposed to be constructed shall have been so prepared and adopted by the board of water commissioners, and filed as aforesaid, the common council are hereby authorized to contract for such work, and cause the expense thereof to be apportioned and assessed upon the parties benefited thereby, in the manner and by the proceedings authorized in the foregoing sections, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of this title, and the same to be collected as in this act provided.

§ 45. The board of water commissioners shall determine and fix a sum to include the cost or value of the labor and work and skill expended in the preparation of such specifications and plans accompanying the same, and the surveys preparatory thereto, and the probable value of engineering services necessary for the proper superintendence of the execution of the work, and the probable cost of inspecting such work during its progress, and shall certify such sum to the common council,

and the common council shall cause the same to be included in the amount to be assessed for the improvement, and the same shall constitute a part thereof, and shall be paid over to the treasurer of the board of water commissioners out of the assessment when collected.

§ 46. When the common council shall have contracted for any of the work specified in the foregoing forty-fifth section of this title, the said board of water commissioners are hereby charged with the duty of superintendence and inspection thereof, and to that end may appoint and employ such engineers, surveyors, inspectors or other servants as may be necessary, who shall only be paid out of such sums as shall be raised under the provisions of the foregoing section forty-six of this title, and the said board of water commissioners shall cause such work to be skillfully and faithfully constructed and completed by the person or persons contracting therefor, strictly in accordance with the plans and specifications therefor in every respect, and from time to time shall report to the common council, and as often as required by the common council, the condition and progress of such work.

Work to be superintended by water commissioners.

§ 47. After the report of the commissioners appointed under the foregoing section twenty-two of this title shall be confirmed, it shall be filed with the city clerk. The common council shall cause an assessment list, which shall be a correct schedule and extract from such report, to be made by the city clerk, and certified by him, in which shall be stated the assessment on each lot, the reputed owner thereof, the number of such lot, as shown on the assessment map, the name of the street on which such lot is situate, and its number thereon, as shown by some designated map, and shall deliver such assessment list to the receiver of taxes, with its warrant issued for the collection of said assessments attached thereto, in the same form, in all respects, as near as may be, as for the collection of taxes, except that such warrants shall not command the levying by distress and sale of the goods and chattels of the person assessed for the payment of such assessments. The receiver of taxes shall, without commission, receive and collect the several amounts thereon assessed against any person for thirty days after the receipt by him of such warrant. The receiver of taxes shall collect all such assessments as shall be unpaid at the expiration of that period, and which shall be paid before the time fixed by the common council for the final return of his warrant for the collection of such assessment, which time when the moneys to be collected on such assessment are to be raised for the construction of a sewer, shall not be less than two nor more than three years from the date of confirmation of such assessment, adding thereto interest at the rate of nine per cent. per annum from the date of the receipt by him of said warrant, and one per cent. as his fee for collecting the same.

Assessment list, how made

To be delivered to receiver of taxes.

Interest and commission on assessments not paid within thirty days.

§ 48. The receiver of taxes shall, within fifteen days from the time fixed for the final return of his warrant for the collection of such assessments, make return to the common council of all unpaid assessments, with the addition of the interest and commissions herein prescribed, in the same manner as is provided in section twenty-one of title four of this act, for the return of unpaid assessments, and upon such return being made and filed in the office of the city clerk, the common council shall be authorized to take the same proceedings for the sale of lands for such unpaid assessments as are authorized in title six of this act, to be taken for the sale of lands for the non-payment of taxes, and with like effect in all respects. The said receiver shall pay over to the city treasurer all such assessments and interest by him collected in the same

Unpaid assessments.

Proceedings to be taken as for non-payment of taxes.

Receiver of taxes to pay over assessments and interest to treasurer.

manner, and within the same time as he is in this act required as to taxes.

To report
at the end
of thirty
days,
amount
received.
Sewer and
assess-
ment
bonds to
then be
issued.
Interest
and matu-
rity.
Negotia-
tion of
bonds.

§ 49. The receiver of taxes shall, at the expiration of thirty days from the date of the receipt by him of any warrant for the collection of any sewer assessments, report to the common council the amount of such assessments received by him under such warrant within such thirty days; and the common council may thereupon issue bonds of the city of Yonkers to be known as "Sewer Assessment Bonds," equal in amount to the amount of such assessments then remaining unpaid. Such bonds shall be signed by the mayor and city clerk. They shall bear interest at the rate of seven per cent. per annum, and shall mature at such times as the common council shall determine, not exceeding three years from their date. The common council may convert said bonds into money, at not less than their par value, or may obtain loans upon the same, as they may deem best, and the proceeds thereof shall be applied only for the payment of the expenses of constructing such sewers; and all moneys received from such assessments, or from the sale of land for the non-payment of sewer assessments, after the issue of such bonds, shall be held and used exclusively for the payment of such sewer assessment bonds, or loans obtained thereon.

Applica-
tion of
proceeds.

§ 9. Section one of title four of said act is hereby amended so as to read as follows:

City judge
must be a
counselor-
at-law.
Jurisdic-
tion.

§ 1. The city judge of said city shall be a person who shall be of the degree of counselor-at-law. He shall have jurisdiction, exclusive of any justice of the peace within the corporate limits of said city, to issue all criminal process and all process (other than in civil actions and proceedings), including process in bastardy cases, which a single justice or two justices of the peace in towns are empowered and directed by law to issue, and in such cases to hear and determine all matters, and make such orders, and do such acts alone as by law may be done by two justices of the peace sitting jointly in the hearing of such bastardy cases. To hear and entertain all complaints, and conduct all examinations in criminal cases; to hold courts of special sessions, with all the powers and jurisdiction of such courts, as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are or may be triable by courts of special sessions, and to hear and determine charges for every misdemeanor committed within said city. He shall possess all the powers and jurisdiction, and be subject to all the liabilities of justices of the peace within said city. He shall also have the same jurisdiction and power within the city of Yonkers, as is by law conferred upon the justices or judges of the marine court of the city of New York, except in cases of appeal. In all civil proceedings before said city judge, an appeal from any judgment or determination by him made, may be had and taken to the county court of Westchester county, in the same manner and to the same effect as if the proceedings were before a justice of the peace; and in all criminal proceedings any judgment, order or conviction made by him may be reviewed by appeal, or by certiorari in like cases, in like manner, and with like effect as if the proceedings were before a justice of the peace. Said city judge shall have the power to let to bail persons charged with crime before him, in all cases of misdemeanor, and all cases of felony, when the imprisonment in the State prison on conviction cannot exceed five years; and shall also have power to administer oaths and take affidavits, to take proofs and acknowledgments of deeds and other instruments, in the same manner as justices of the peace; and said city judge shall further have and exercise within

Appeals.

May let to
bail, ad-
minister
oaths, etc.

To have
powers of
county
judge.

said city, the powers given to the county judge, by sections two hundred and ninety-two to three hundred and two, inclusive, and by section four hundred and three of act entitled "An act to simplify and abridge the practice, pleading and proceedings of the courts of this State," passed April eleventh, eighteen hundred and forty-nine, and the amendments thereto, and also all the powers of a judge of the Supreme Court at chambers. The mayor of the city of Yonkers shall designate in writing, to be filed in the office of the city clerk of said city, one of the justices of the peace of the city of Yonkers, who shall only, in case of sickness, absence from the city, disability or inability of the city judge to act, exercise in the place and stead of said city judge only such criminal jurisdiction as is conferred by law upon justices of the peace in towns, while such sickness, absence, disability or inability shall continue. Such designation may be for a limited time to be stated, or without time, and the mayor of said city may revoke such designation at pleasure, and designate again or redesignate at will. In case any criminal warrant, issued by said city judge shall be returned during his absence from the city, or sickness, disability or inability to act, any further proceedings on such warrant may be had before the justice of the peace so designated; and said justice of the peace, having once entered on the trial of an action or proceeding under this section and not otherwise, may proceed to the determination of it. The said justice of the peace so designated and acting in the place and stead of the city judge shall be entitled to receive the sum of three dollars for every day actually spent in the discharge of his duties, as provided for in this section, to be audited, allowed and paid by the common council out of the city treasury, on such justice of the peace presenting a verified bill of items for each day's services, setting forth the alleged cause which prevented the city judge from discharging such services, and the amount thereof shall be deducted from the installment next payable of the salary of the city judge. Claims for such services by such justice of the peace shall be presented to the common council monthly. Such justice of the peace, in signing process, he shall add to his official title, "acting as city judge." It shall be the duty of the city judge to attend at his office at such hours as the common council shall designate, and to hear all matters within his jurisdiction. He shall demand and receive in all proceedings before him, and for all services rendered by him as such city judge, the fees provided by law in like cases in the marine court of the city of New York, and all fees and charges which may be legally payable whenever any proceeding pending before him shall be settled or dismissed by consent. All costs and fees and all fines imposed and collected by him, and all moneys collected by him, and all fees, fines, costs and moneys in criminal proceedings, collected and received by such justice of the peace, shall be paid to the city treasurer. The city judge shall keep an account of all such fees and fines, and of all criminal business done by him, or by the justice of the peace acting as city judge which, if performed by a justice of the peace, would be a county charge, and shall annually, at the presentation of claims against the county of Westchester, make out and verify his account of all such business done by him against the county of Westchester, and present the same to the board of supervisors of said county, which board shall audit it to the city of Yonkers, and levy and collect the same as other county charges, and when collected cause the same to be paid to the city treasurer. It shall be the duty of any constable and any officers of the police in said city, and they are hereby empowered to serve all

Mayor to designate one of the justices of the peace, to act in case of city judge's inability.

Warrants returnable before city judge may be proceeded upon before such justice.

His compensation.

Amount to be deducted from salary of city judge.

Process issued by such justice, how signed.

Fees, costs, etc., to be paid city treasurer.

Account of fees to be kept.

Certain fees made a county charge.

Collection and payment of same.

Chap. 177.

AN ACT to amend chapter eight hundred and ninety, laws of eighteen hundred and sixty-seven, entitled "An act to lay out Washington square, at Stapleton, in the town of Middletown, county of Richmond, and to provide the means therefor," passed May tenth, eighteen hundred and sixty-seven, and to provide for keeping said Washington square in order, and for the redemption and payment of the bonds issued in pursuance of said act, and called Washington square bonds of Richmond county.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter eight hundred and ninety of the laws of eighteen hundred and sixty-seven, entitled "An act to lay out Washington square in the town of Middletown, county of Richmond, and to provide the means therefor," is hereby amended so as to read as follows:

Tax to pay
Washing-
ton square
bonds.

Applica-
tion of
funds.

Manner of
calling in
bonds.

Bonds
pur-
chased to
be in-
dorsed
and re-
tained.

§ 7. The board of supervisors of Richmond county shall, in each year until the said Washington square bonds shall be fully paid, levy on the taxable property within the village of Edgewater, in addition to the interest payable in each year on said bonds now outstanding, the sum of three thousand four hundred dollars, and shall cause the same to be paid over to the commissioners named in this act, or the survivors or survivor of them, and such sum then received by said commissioners shall be used and applied by them as follows, that is to say: the sum of three hundred dollars thereof shall in each year be used and applied by them to the preservation, keeping in order or improvement of said Washington square, and the remainder of three thousand one hundred dollars thereof shall in each year be used and applied by them to purchase such Washington square bonds at the lowest price at which they can purchase the same not exceeding par. For the purpose of making such purchase said commissioners shall annually, in the month of February, cause to be inserted in a paper published in Richmond county, once in each week for three weeks, a notice inviting tenders in writing of such Washington square bonds at a price not exceeding par, and stating where and to whom such tenders shall be made and when and where the same will be opened and the awards made; and at such time and place the commissioners or any two of them shall attend and open such tenders, and shall accept such of them as shall offer such bonds at the lowest price, to the amount which the money which they have applicable to such purpose will allow, and shall purchase and pay for such bonds so accepted. Such bonds so purchased by said commissioners shall be indorsed, "purchased by sinking fund," with the date of such purchase, and such indorsement shall be signed by such commissioners. Said bonds shall thenceforth be held and retained by said commissioners, and the interest thereon when collected shall be added to the fund annually raised by taxation as aforesaid, and applied in the same manner to the annual purchase of bonds for said sinking fund.

§ 2. Said act is hereby further amended by adding thereto the following section as section eight:

§ 8. The said commissioners shall annually, between the first day of May and the first day of July in the year eighteen hundred and seventy-seven, and thereafter until all of the said bonds are purchased for said sinking fund or otherwise redeemed and paid, make a report to the board of supervisors of Richmond county, verified by their affidavit to the correctness thereof, of all moneys which during the preceding year have been received by them as aforesaid, and of the bonds purchased by them and held for such sinking fund, giving amounts and dates of such purchases and the numbers and amounts of such bonds; and when all of said bonds have been purchased by them, and are held by them in said sinking fund, said commissioners shall cancel all of said bonds and shall make a final report to the board of supervisors, and shall deliver to said board with said report all of said bonds so cancelled as aforesaid.

Commis-
sioners to
report an-
nually.

Cancell-
ation of
bonds,
and final
report.

§ 3. Said act is hereby further amended by adding thereto the following section as section nine:

§ 9. In the event of the decease or removal from the county of Richmond of a majority of the commissioners, such surviving or remaining commissioner shall apply to the county judge of Richmond county for the appointment of another commissioner, giving ten days' notice in writing of the time and place of such application to the trustees of the village of Edgewater, by serving such written notice on the president or clerk of said village, and at such time and place said county judge shall hear the said surviving or remaining commissioner on said application, and the said trustees of said village, if they shall appear and desire to be heard thereon, and the county judge of Richmond county shall thereupon appoint some proper person, a resident of said village as such other commissioner by an order in writing under his hand, which shall be filed in the office of the clerk of the county of Richmond, but said county judge shall not appoint any person as such commissioner who shall be objected to both by said surviving or remaining commissioner and by said trustees of said village. Such commissioner so appointed by said county judge, shall have and possess all the powers and perform all the duties conferred or imposed upon the several commissioners named in this act.

Vacancy
in office of
commis-
sioner,
how filled.

§ 4. This act shall take effect immediately.

Chap. 178.

AN ACT to authorize the moneys collected of the taxpayers of the town of Orleans, in the county of Jefferson, for railroad purposes, in the year eighteen hundred and seventy-two, to be paid to the supervisor of said town of Orleans.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Keech, who was duly elected collector of the town of Orleans, in the county of Jefferson, for the year eighteen hundred and seventy-two, is hereby authorized and empowered and directed to pay to the supervisor of the said town of Orleans all moneys now remaining in his hands, which have been collected by him

Money to
be paid
over.

as such collector from the tax-payers of said town for railroad purposes.

Supervisor to give duplicate receipts; one to be filed with county treasurer.

§ 2. It is hereby made the duty of the supervisor of said town to receive the moneys from the said John Keech, and on receipt of the same to give the said John Keech, as collector, duplicate receipts therefor, one of which duplicates shall be filed by the collector with the county treasurer of Jefferson county, and shall entitle him to a credit on the books of the county treasurer for the amount therein stated to have been received.

Bond of collector, how discharged.

§ 3. Upon the filing of said duplicate receipt with said county treasurer, and the settlement of the amount of taxes directed to be collected by said John Keech, as collector, aside from the said railroad moneys so collected by him, the said county treasurer shall, if requested, give to said John Keech, as such collector, or to any of his sureties, a satisfaction piece in writing, and shall acknowledge the same before a person authorized to take acknowledgments of satisfactions of judgments in in courts of record, and upon production of such satisfaction piece, so acknowledged as aforesaid, the clerk of the county of Jefferson shall enter satisfaction of the record of the said John Keech's bond as collector, which shall thereby be discharged.

Money, how used.

§ 4. It shall be the duty of the said supervisor of said town of Orleans, on receipt of said moneys so paid to him by John Keech, collector as aforesaid, to safely keep the same and apply them towards the extinguishment of the next tax assessed on said town of Orleans after the receipt of said moneys.

Rights of persons holding coupons not affected.

§ 5. Nothing in this act contained shall be so construed as in any manner to affect the right of the holder of any coupons cut from any bonds issued by said town for railroad purposes, to maintain an action against said town to recover the money intended to be secured by such bonds and represented by such coupons; and all the rights now by law existing in such holder to have such coupons paid out of the money mentioned in section one of this act, shall continue in full force against said town. The supervisor of the town of Orleans by accepting the money mentioned in the first section of this act shall be deemed thereby to have assumed and accepted all the liabilities in regard thereto that existed against the said John Keech before the passage of this act, and any and all remedies that might have been enforced against the said John Keech shall thereafter exist against the said supervisor and may be enforced against him.

Liabilities of supervisor.

Chap. 179.

AN ACT to amend chapter thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reenact and amend an act entitled 'An act to incorporate the city of Yonkers,'" passed June first, eighteen hundred and seventy-two.

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of title three of an act, entitled an act to reenact and amend an act entitled an act to incorporate the city of

Yonkers, passed June first, eighteen hundred and seventy-two, being chapter thirty-five of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 2. The mayor shall sign all resolutions, ordinances and by-laws passed by the common council, approved by him, and all appointments made by him or by the common council. If he shall fail to sign or veto such resolution, ordinance, by-law or appointment within ten days after its passage, it shall become valid and effectual. He shall have power to veto any resolution, ordinance or by-law, or other proceedings of the common council, or if any such ordinance, by-law, resolution, or other proceeding, contains several items of appropriation of money, he may veto one or more of such items, while approving the other parts of such by-law, ordinance, resolution, or other proceeding, and in such case he shall append to such by-law, ordinance, resolution, or other proceeding, at the time of signing it, a statement of the items of appropriation of money to which he objects, and the appropriations so objected to shall not take effect except as hereinafter provided, and it shall be his duty to veto any resolution, or ordinance, or item of appropriation of the common council within ten days after its passage, when, in his judgment, it is in violation of law, or appropriates money, or involves expenditures improvidently, or if, in his judgment, he shall deem the same improper. Such veto shall be filed, with his reasons therefor, in writing, with the city clerk within the said ten days, and shall be presented to the common council and entered upon the minutes of the next meeting of the common council, after filing such veto. If, at the next meeting of the common council, or within thirty days thereafter, two-thirds of all the members elected readopt such resolution, ordinance, by-law, or item of appropriation of money, or other proceeding so vetoed, it shall be valid and effectual notwithstanding such veto.

Mayor to sign ordinances, etc.

If not signed within ten days, to be valid.

May veto items of appropriation.

Veto to be filed with clerk.

Proceedings in case of veto.

§ 2. Title five of said act is hereby amended by adding at the end thereof, as an additional section to said title, the following:

§ 8. When the owner of any shares of the capital stock in any bank or banking association upon which shares of stock a tax shall have been levied and assessed for any purpose by the common council of the city of Yonkers, shall have omitted or refused to pay the tax assessed thereon, the city treasurer shall have an action to collect any such tax, heretofore laid, levied or assessed, or which may hereafter be laid, levied or assessed for any purpose by the common council of said city upon any shares of the capital stock of any bank or banking association organized under the authority of this State or of the United States, from the avails of the sale of the shares of stock upon which such tax has been or may be laid, levied or assessed, and the tax on the share or shares of such stock shall be and remain a lien thereon till the payment of such tax; and such lien may be enforced by action, by said city treasurer, in any court having jurisdiction, and the judgment in any such action may direct the sale of such shares of such stock for payment of such tax and interest, and commissions, and costs, or may direct the payment of such tax, interest, commissions and costs, out of any dividends declared upon such shares of stock by such bank or banking association, and required by law to be retained as necessary to pay any taxes assessed thereon.

Owners' of bank stocks omitting or refusing to pay tax may be sued by treasurer, etc.

§ 3. Subdivision thirty-two of section six of title seven of said act is hereby amended to read as follows:

32. To provide for employing or using the labor of persons sentenced in courts held by the city judge of said city under this act, and whenever the common council shall provide for the using of the labor of such persons on the public works of said city, or for the breaking of stone for

Labor of persons sentenced by city judge.

Election
of ward
and vil-
lage offi-
cers.

§ 4. At each election hereafter held, each elector shall be entitled to vote by ballot, in the ward in which he resides, for one trustee, who shall hold office for two years, also for two inspectors of election; his ballot offered for that purpose shall be folded and indorsed "ward;" he shall also be entitled to vote for a president, clerk, and treasurer for the said corporation, and his ballot offered for that purpose shall be folded and indorsed "village." The president, clerk, and treasurer shall hold office for one year and until their respective successors are elected and qualified.

Terms of
office.

§ 3. Section two of title two is hereby amended so as to read as follows:

Meetings
of board of
trustees.

§ 2. The president when present shall preside at meetings of the board of trustees, but shall have no vote therein; in his absence any trustee may be appointed president for the time being; but shall not thereby lose his right to vote as trustee. A majority of the board shall constitute a quorum for the transaction of business. The board of trustees shall, at the first meeting after each annual village election, or as soon after as possible, appoint a street commissioner, who shall hold office until the first meeting after the next annual election and until his successor is appointed and qualified. Every law, ordinance or resolution of the board of trustees shall, before it shall take effect, be presented to the president duly certified by the village clerk. If the president approve of it he shall sign it. If he does not approve of it he shall so state in writing and file his statement, with his reasons for not approving, with the clerk within ten days after he received it, and the board of trustees at its first regular meeting thereafter shall act thereupon, and if two-thirds of all the said board elected thereto, shall then vote to pass the same by a viva voce vote, it shall take effect as a law. If any law, ordinance or resolution duly passed by the board, shall not be returned by the president within ten days after he has received it, it shall become a law in like manner as if he had signed it.

Quorum.

Appoint-
ment of
street-
commis-
sioner,
etc.

Laws,
etc., when
to take
effect.

President
may veto

Proceed-
ings in
case of
veto.

§ 4. Subdivision twenty-three, section three, title two, is hereby amended so as to read as follows:

Powers of
trustees.

23. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good repair, order and condition, to construct sewers, culverts and drains, to make and repair all bridges which may be necessary within the bounds of the village, to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks, to pave, plank or flag, roads, streets, cross-walks, or sidewalks, lay out, open, make, alter, widen, contract or discontinue streets, avenues, roads or lanes in the village, to alter and change the grade, or otherwise improve the roads, avenues, streets and sidewalks, to drain stagnant waters, and to raise or fill up low grounds, if nuisances, at the expense of the persons benefited, and to regulate the water courses, ponds and watering places in the village; but no new road or street shall be opened, and no widening, altering or changing the grade of any street shall be done, and no road or street be closed, contracted or discontinued unless on written application of the owners of a majority in feet of the property on the line of such proposed improvement or change, and whenever the board of trustees shall intend to lay out, open, make, alter, widen, contract or discontinue any street, avenue, road or lane, it shall cause a notice of such intention to be published for two weeks in the official newspaper, stating the day upon which it will act thereupon, which day shall be at least two weeks subsequent to the first publication of the notice. The grade of all streets shall be con-

Limita-
tion.

firmed, and a profile of said grade recorded in a book to be kept for that purpose, and no work shall be commenced on any street, lane or avenue, until such grade or profile has been confirmed and recorded; but whenever a new bridge or culvert, or public building is authorized by the trustees, or the grading or paving of any street, sidewalk or cross-walk, in any of the streets, lanes or avenues of said village, it shall be the duty of the trustees to advertise for sealed proposals for doing said work, and in all cases the trustees shall award such contract to the lowest responsible bidder, upon conditions that the person or persons awarded the contract shall give to the trustees a good and sufficient bond conditioned for the faithful performance of the contract according to the plans and specifications adopted by the said trustees for such work. No improvements or repairs except repairs not exceeding one hundred dollars in costs shall be made or contracted for by the board of trustees, wherein it is provided by this act that the expense of the same or any part thereof shall be assessed upon the property benefited thereby, until the said board of trustees has first caused the expense thereof in each and every case to be apportioned, assessed and charged upon the property to be benefited thereby, according to the provisions of this act, nor until such assessment shall have been confirmed as provided by this act.

Grade of streets to be confirmed, and profile made and recorded.

New work or structures to be let on contract to lowest responsible bidder.

Where cost of improvement is to be assessed on property benefited.

§ 5. Title two, section three, subsection twenty-five, is hereby amended so as to read as follows:

25. The board of trustees shall have power to make and establish all legal by-laws, rules and ordinances necessary to carry out the purposes of this act, print and pay for the same, and to enforce such by-laws, rules and ordinances, and to pay the expenses of such enforcement out of the corporate funds. The trustees shall also have power to prescribe penalties for a violation thereof, not exceeding one hundred dollars for each offense, but all such by-laws, rules and regulations and ordinances, shall be posted in at least four public places in each ward, and by publishing in the official village newspapers, ten days before they shall take effect. Every person offending against any ordinance heretofore passed or that may hereafter be passed by the board of trustees of the village of Greenbush, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment or both, in the discretion of the court before which such conviction shall have been had; provided, however, that such fine shall not exceed the amount of the penalty prescribed in and by the ordinance for the violation of which such person may have been convicted, and that such imprisonment shall not be for a longer term than six months. The person offending shall be tried in the manner provided by law for the trial of persons charged with having committed misdemeanor.

May make by-laws, etc.

Prescribe penalties.

By-laws to be posted and published.

Persons offending declared guilty of a misdemeanor.

Manner of trial.

§ 6. Title two, section four, is hereby amended so as to read as follows:

§ 4. The trustees shall have power to compel the owners and occupants of lands, or lots, in front and adjoining which a sidewalk or street is to be made or repaired, to make such improvements upon the sidewalk or street in front of said land or lot, and shall determine and prescribe the manner of doing the same, and the material to be used therein, and the quality and kind of such materials, and in case the owner or owners, occupant or occupants, of any such land or lot shall neglect or refuse to complete the said required improvements, within such reasonable time as shall be required by the trustees, the said trustees may cause such improvement to be made or completed, and the expense thereof may be by them assessed, together with the expenses of surveying and superintending, on such owner or owners so neglecting or refusing, and be collected by warrant issued by the president and

Owners and occupants may be compelled to make certain improvements in front of their lots.

Proceedings in case of refusal or neglect.

Appor-
tionment
of expen-
ses for
improve-
ments
chargea-
ble on pro-
perty ben-
efited.

Clerk to
serve and
post no-
tice of as-
sessment
for such
improve-
ments.

Contents
of notice.

Adjourn-
ment of
hearing
not to ex-
ceed ten
days.
Hearing
of persons
aggrieved.

Report.

trustees as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be sold, as hereinafter provided, or the owners thereof to be sued for payment and collection of such tax, and the cost and expense arising from non-payment, in the manner and with the effect, and subject to the provisions of this act in regard to the collection of taxes and assessments, by selling of real estate, or by action at law against the person liable. Whenever any improvements or repairs (excepting repairs not exceeding in amount one hundred dollars in any one instance and drains and sewers) shall be ordered by the board of trustees, the expense of such improvement shall, within thirty days thereafter, be apportioned and charged upon the property and persons and corporations benefited thereby, by the trustees, who are made local assessors for that purpose, and they shall make a list of the said apportionment, stating the name of the person or corporation owning the property chargeable with the expense of said improvement, if the name of the person shall be known to them; if not known to them, then to owners unknown, a description of the property and the amount chargeable to it, which list shall be accompanied by a map of all the property benefited, when it shall seem best to the trustees, and shall, when so completed, be filed in the office of the clerk of the village, open to the inspection of any person affected by said contemplated improvement, for the space of ten days. I* shall be the duty of the clerk on such filing of said list of assessments, and within five days thereafter, to cause a notice to be served upon the persons named in said list, either personally or by mail, directed to their respective reputed places of business, if known to said clerk, and to be posted in three public places in said village, which notice shall contain a copy of the ordinance of the board of trustees directing such improvement, the amount chargeable to the respective persons charged with such improvement, so far as the persons are known, and when the name is unknown, the fact to be so stated; stating the time and place the persons feeling aggrieved with such apportionment will be heard for the purpose of equalizing, correcting and making such alterations in such apportionment by increasing or diminishing the amount apportioned to each of said persons, corporations or lots named in said list of apportionment, which time for the hearing shall be immediately after the expiration of the ten days from the filing of the list as above provided. Said hearing may be adjourned from day to day not exceeding ten days in all. At the time and place for hearing, mentioned in said notice, it shall be the duty of the said trustees to hear any person interested in said assessment and feeling aggrieved, and after such hearing, and duly considering the objections, suggestions and arguments, to equalize, correct, and alter the said apportionment where erroneously or improperly applied, by increasing or diminishing the respective amount as to them shall seem just and proper, which equalization, correction or alteration, when so made, shall be reported by the clerk as the apportionment and assessment. There shall be annexed to the report the proof of the service of the notice on the persons named in the list as above provided to be served, and the said report and said proof of service shall be filed in the office of the clerk of the village of Greenbush, and thereupon the persons and property chargeable with the said improvement and repairs, shall be subject to the payment of the respective amounts named in said report, and thereupon the said

* So in the original.

assessments shall be a lien upon the real estate named and described in said report as respectively affected thereby. Said assessment or assessments, shall be held valid in law, if made and confirmed at any time within one year after the improvement was ordered, and whether confirmed before or after the improvement has been completed. In all cases of assessments as aforesaid, the trustees shall include in the apportionment all expenses incident to said improvement. Whenever the amount apportioned shall exceed the actual cost, or the improvement shall not be commenced within one year from the completion of the assessment, such excess shall be refunded pro rata, to the persons having paid the same, or abated, in the village tax, on such property. Should the amount so apportioned be insufficient to cover the cost of any improvement, such deficiency shall be apportioned pro rata, by the trustees, upon the property originally assessed; the collection thereof to be enforced in like manner as the original assessment. In the case of drains and sewers, the assessment and apportionment shall be made in the same manner, except that the assessors of the town of Greenbush shall perform the duties above required of the trustees, and the assessment and apportionment made by them, if confirmed within one year by the trustees, shall become a lien upon the respective lots of land, in the same manner and to the extent above provided for the assessment and apportionment by trustees. In the case of repairs less than one hundred dollars, the same shall be assessed and apportioned in the manner heretofore provided for assessments. In case any tax or assessment hereafter made or levied shall be or become void, illegal or erroneous, for want of jurisdiction or on account of any irregularity or defect in the manner of laying or making the same, the same shall be re-assessed and re-apportioned and re-levied, as the case may be, in a proper manner.

Validity of assessments.

When apportionment exceeds cost of improvement.

In case of deficiency may re-assess.

Drains and sewers.

Repairs.

Void taxes.

§ 7. Title five, section eighteen, is hereby amended so as to read as follows:

§ 18. The president and trustees of said village shall not receive any compensation as such. The compensation of the treasurer shall not exceed one hundred dollars per annum. The compensation of the street commissioner shall not exceed sixty dollars per month. The compensation of the assessors shall not exceed that allowed by law to town assessors. The compensation of the clerk shall not exceed two hundred dollars per annum. The compensation of inspectors of election shall not exceed that allowed by law to town inspectors.

Compensation of officers.

§ 8. Title six, section four, is hereby amended so as to read as follows:

§ 4. Any sums imposed by said trustees, or directed by them to be raised for a specific work or improvement, which they shall judge and declare to be local, except drains and sewers, shall be assessed by said trustees upon or among the lots and lands upon or in front of which such work shall be done, or improvements made, and upon the owners or occupants of said lots; and said assessment shall be so made as that the lots upon or in front of which such work shall be done or improvements made, and the owners or occupants thereof shall be subject to, and shall pay the proportion of said sum so directed to be raised, which shall be incurred or expended upon or in front of said lots respectively.

Assessments for local improvements.

§ 9. Title six, section five, is hereby amended so as to read as follows:

Drains
and sew-
ers, assess-
ments for.

§ 5. Assessments imposed or sums directed to be raised by the trustees for the costs and expenses of laying down, making or repairing, improving and opening drains and sewers, whether for general or for local purposes, shall be laid or assessed and distributed or proportioned by the assessors. Those which the trustees shall declare to be local shall be assessed by said assessors upon the lots upon or in front of which said sewer or drain shall be made, laid, opened or improved, and upon lots, the surface water of which shall empty into such drain or sewer, in a just proportion as near as may be to the benefits which each person so taxed or assessed, and the lot or lots owned or occupied by him shall be deemed to receive from such drain or sewer. Those which are general shall be assessed as a general tax upon the village. The said assessment shall be made as other taxes and assessments hereinbefore provided.

§ 10. Title six, section eight, is hereby amended so as to read as follows:

When
purchaser
of lands
sold for as-
sessments
to have
possession.

§ 8. If the owner or occupant of such real estate or property, his heirs or assigns, shall not, within two years after such sale, pay or tender to the purchaser or his legal representative, or to the clerk of the village, the amount so paid by him, with interest, as hereinbefore mentioned, such purchaser or his legal representative may, immediately after the expiration of two years, enter into possession of such real estate, and hold and occupy and enjoy the same during the term for which it was sold; and the said certificate, duly proved or acknowledged, shall be presumptive evidence of the right of said purchaser, after said two years, to receive possession thereof. The clerk shall execute and file with the president a bond in the sum of five thousand dollars, with sureties to be approved by the board of trustees, conditioned that he will faithfully execute the duties of his office, and account for and pay over all moneys received by him.

Bond of
clerk.

§ 11. This act shall take effect immediately.

Chap. 181.

AN ACT to amend chapter one hundred and seven of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Palatine Bridge."

Passed April 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and seven of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Palatine Bridge," is hereby amended so as to read as follows:

Bounda-
ries of Pal-
atine
Bridge vil-
lage.

§ 1. All that certain tract of land in the town of Palatine, county of Montgomery, and State of New York, embraced within the following boundaries, that is to say: commencing at the center of the Mohawk river, east of the Palatine Bridge freight depot, and running in a direct line to the north side of the Mohawk turnpike where the same intersects the center of the private road leading to the residence of Josephus Nellis, and from thence continuing northerly along the center of said private road one quarter of a mile, which is to be the east boundary line

of the said corporation; thence running westerly to a point on the west line of Channing G. Fenner's land, one quarter of a mile north of the southwest corner of the said Fenner's farm, at a place on the north side of the Mohawk turnpike called the red gate, which is the north boundary line of the said corporation; thence running southerly on the west line of the said Fenner's farm, and across the Mohawk turnpike and through the lands of William B. Vedder, on a direct line with the said Fenner's west line, to the center of the Mohawk river, which is the west line of the said corporation; thence running east on the center of the Mohawk river to the place of beginning, which is the south boundary line of the said corporation; and the said boundaries shall constitute the village of Palatine Bridge.

§ 2. This act shall take effect immediately.

Chap. 182.

AN ACT in relation to evidence in criminal cases.

Passed April 27, 1876; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons jointly indicted shall, upon the trial of either, be competent witnesses for each other the same as if not included in the same indictment.

§ 2. In all criminal trials, and examinations before trial, a husband or wife may be examined as a witness in behalf of the other, but upon no such trial or examination shall a husband or wife be compelled to testify against the other. Who may be witnesses in certain cases.

§ 3. This act shall take effect immediately.

Chap. 183.

AN ACT to amend chapter two hundred and thirty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Johnstown and the several acts amendatory thereof, and to extend the boundary of said village."

Passed April 27, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six of chapter two hundred and thirty-one of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Johnstown, and the several acts amendatory thereof, and to extend the boundary of said village," is hereby amended so as to read as follows:

§ 26. The trustees shall have power to raise by tax, from the taxable inhabitants of said village, and the property therein liable to taxation, such sum of money as they shall deem proper, not to exceed the sum or rate of one-half of one cent for each dollar valuation in any one Trustees to levy tax of one-half of one per cent yearly.

Farm
lands ex-
empted,
except for
street pur-
poses.

year, to be expended in the payment of the debts and ordinary expenses of the corporation, and to carry into effect the several powers and privileges granted by this act; provided nevertheless, that agricultural lands lying within the boundary of said village, and used and cultivated as farm, shall be exempted from all taxes and assessments under this act, except the street taxes, and taxes for the improvement of streets of said village; but whenever any such lands shall be divided into lots, intended as village lots, said lots shall be subject to all taxation under this act.

§ 2. This act shall take effect immediately.

Chap. 184.

AN ACT to release the right, title and interest of the People of the State of New York to George G. Ackley, husband of Sarah Ann Ackley, deceased, in and to certain real estate situate in the city of Brooklyn and also in the town of Flatbush, in the county of Kings, and State of New York,

Passed April 27, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Release of
interest of
State in
lands in
Brooklyn
and Flat-
bush.

SECTION 1. George G. Ackley, husband of Sarah Ann Ackley, deceased, is hereby authorized and empowered to take, hold, convey and dispose of all those certain lots, pieces or parcels of land with the improvements thereon, situate in part in the city of Brooklyn and in part in the town of Flatbush, in the county of Kings, and State of New York, of which Sarah Ann Ackley, late of said city, died seized or possessed, or was the legal or equitable owner at the time of her death, and particularly described in two certain deeds, one made and executed by Catharine Channey and others to said Sarah Ann Ackley (then Sarah Ann Wood), dated May first, eighteen hundred and forty-six, and recorded in Kings county register's office in liber one hundred and fifty of conveyances, page four hundred and fifty-six, July thirtieth, eighteen hundred and forty-six, and the other of said deeds executed by George Remsen, sheriff of Kings county, to said Sarah Ann Ackley, dated October twenty-eighth, eighteen hundred and fifty-nine, and recorded in said register's office in liber five hundred and fifteen of conveyances, page twenty, December fourteenth, eighteen hundred and fifty-nine, reference being had to said deeds in the record thereof. And all the estate, right, title and interest of the People of the State of New York, acquired by escheat, at the time of the death of said Sarah Ann Ackley, of, in and to said lands and premises, or any part thereof, are hereby granted, assigned and released to and vested in said George G. Ackley and his heirs and assigns forever.

Certain
rights not
affected.

§ 2. Nothing in this act contained shall be so construed as to affect the right in said real estate of any heir at law, devisee, purchaser or creditor by judgment, mortgage, or otherwise.

§ 3. This act shall take effect immediately.

Chap. 185.

AN ACT to re-appropriate certain moneys in the treasury heretofore appropriated for the improvement of the Champlain canal.

Passed April 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three hundred thousand three hundred and sixty-eight dollars and eighty-two cents remaining in the treasury of the sum of five hundred thousand dollars appropriated by act, chapter three hundred and ninety-nine, of the laws of eighteen hundred and seventy-four, for the improvement of the Champlain canal, or so much thereof as shall remain unexpended on the passage of this act, is hereby re-appropriated for the same purpose, to be expended under the direction of the Canal Board in bottoming out the prism of said canal, and raising and strengthening the banks thereof, so as to produce a uniform depth of six feet of water therein throughout its entire length, and for no other purpose whatever. Provided, however, that the sum of thirty thousand dollars, or so much thereof as shall be found to be justly due and payable, may be applied to the settlement and payment of existing contracts in relation thereto. And provided further, however, that the said prism may be widened and straightened at particular points, when, in the judgment of the State Engineer and the Commissioner in charge, it shall be deemed necessary to secure the proper passage of loaded boats at such places or points. The maps, plans, estimates and specifications required by sections eight and nine of chapter three hundred and seventy-seven of the laws of eighteen hundred and fifty, to be made preparatory to the letting of canal contracts, for the work contemplated by this act, may be based upon the surveys for the enlargement of the Champlain canal which were made in the year eighteen hundred and seventy-four. Re-appropriation.
Provisos.
Maps, plans, etc.

§ 2. This act shall take effect immediately:

Chap. 186.

AN ACT to authorize the common council of the city of Binghamton to raise money to be used for the purpose of paying the existing floating debt of said city and repairing the firemen's hall building thereon.

Passed April 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Binghamton is hereby authorized to collect, by a general tax, in the year eighteen hundred and seventy-six, in addition to sums already authorized, the sum of six thousand five hundred dollars, to be applied to the payment of the floating debt of said city, and the further sum of three thousand five hundred dollars for repairs on the firemen's hall of said city. Authorizing taxation to pay floating debt, etc.

Special
election
to be or-
dered.

Inspect-
ors.

False
swearing
and fraud-
ulent
voting.

Certificate
of inspect-
ors of elec-
tion.

If majori-
ty favor,
tax to be
levied.

Ballot
boxes.

§ 2. The common council of said city shall order a special election, due notice of which shall be given by publication in the official and at least one other daily paper published in said city, for at least five days, at which election each qualified voter may cast two ballots, one of which shall contain the words, "for the special tax to pay floating debt," or "against special tax to pay floating debt," and the other shall contain the words, "for special tax to repair firemen's hall," or "against special tax to repair firemen's hall." Inspectors of such special election shall be appointed, such election shall be conducted, and the certificate thereof be laid before the common council, and recorded in the same manner as is now provided by law, with reference to special elections in said city, except as otherwise herein provided. And all false swearing and fraudulent voting shall be punishable in the manner now provided by law, for the like offenses at special elections in said city.

§ 3. The certificate of the inspectors of such election shall show how many votes were cast against each of said proposed special taxes, and if it shall appear from such certificate that a majority of votes was for both of said proposed taxes, then, and not otherwise, shall said common council cause the taxes mentioned in the first section of this act to be collected, and if a majority of such votes shall be in favor of one of such taxes and not the other, then in such case said council shall only cause to be collected the tax for which a majority of the votes may have been cast.

§ 4. Two ballot boxes shall be provided at said election, in one of which shall be deposited the ballots for and against paying the floating indebtedness, and in the other the ballots for and against repairing firemen's hall.

§ 5. This act shall take effect immediately.

Chap. 187.

AN ACT to authorize the use of steam power upon Atlantic avenue east of Flatbush avenue, in the city of Brooklyn.

Passed April 28, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Restric-
tions.

SECTION 1. It shall be lawful for the Atlantic avenue railroad company of Brooklyn and for the Long Island railroad company, as lessee from the Atlantic avenue railroad company of Brooklyn of that part of the railroad of said Atlantic avenue railroad company which extends from the junction of Atlantic and Flatbush avenues in the city of Brooklyn, eastwardly along said Atlantic avenue to the city line, to run cars over said railroad, upon Atlantic avenue from the city line of Brooklyn to Flatbush avenue, by steam power; subject to such rules and regulations as to rate of speed and public safety, as, from time to time, the common council of the city of Brooklyn may prescribe.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Legisla-
ture may
alter, mod-
ify, or re-
peal act.

§ 3. The Legislature may, at any time, alter, modify or repeal this act; and all leases and contracts for the use of said avenue, shall be subject to such modifications or alterations in said avenue, and the improvement thereof as the Legislature may prescribe.

§ 4. This act shall take effect immediately.

Chap. 188.

AN ACT to fix the time for filling in and improving the lands between high and low water mark on the easterly shore of the Harlem river.

Passed April 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The period of time fixed for the appropriation to the purposes of commerce by the construction of a dock or docks, and filling in the same in all letters patent issued by the People of the State of New York to the owners of the adjacent upland, for lands under water and between high and low water mark in front of and adjacent to the lands of the said owners of the adjacent upland on the easterly shore of the Harlem river, is hereby extended until two years after the time when plans for the improvement of said river shall be completed by the proper authorities, and copies of such plans filed, one in the office of the register of the city and county of New York, and one in the office of the Secretary of State at Albany. Time for improving lands extended.

§ 2. Nothing herein contained shall in any way affect any other grants except those made for the purpose of promoting the commerce of this State, in which a time is limited for the completion of the improvements specified in such letters patent. Certain grants not affected.

§ 3. This act shall take effect immediately.

Chap. 189.

AN ACT to amend chapter three hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the city of Elmira."

Passed April 28, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The one hundred and fifteenth section of chapter three hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the city of Elmira," is hereby amended so as to read as follows:

§ 115. The chamberlain of the city of Elmira shall be the head of the finance department, and shall be appointed at the time and in the manner hereinbefore provided by section six of this act. He shall hold his office for the term of three years, unless sooner removed by a vote of two-thirds of all the members of the common council on charges to be entered at large upon the book of minutes of proceedings of that body, a reasonable time and opportunity being given him to defend himself against such charges, and said chamberlain shall perform all the duties now performed by the treasurer and collector of said city, and be subject to all the liabilities imposed upon them by the Chamberlain to be head of finance department. Term of office. Duties.

Time
within
which to
qualify.

Term of
present
chamber-
lain to ex-
pire.

charter thereof, except as hereinafter provided, which offices of treasurer and collector, after the election and qualification of the chamberlain as herein provided are abolished, except that the collection of the county roll for eighteen hundred and seventy-five shall be completed by the collector then in office. Said chamberlain shall qualify within ten days after his appointment, and enter upon the duties of his office immediately thereafter, and shall be ex-officio a notary public for the county of Chemung.

§ 2. The term of office of the chamberlain claimed to have been appointed by the common council of the city of Elmira on the Tuesday after the first Monday of January, eighteen hundred and seventy-six, shall be deemed to expire on the appointment and qualification of his successor, in pursuance of section one hundred and fifteen of said act as hereby amended.

§ 3. This act shall take effect immediately.

Chap. 190.

AN ACT further to amend chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled An act for the incorporation of benevolent, charitable, scientific and missionary societies.

Passed April 28, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," is hereby amended by adding thereto an additional section, to be known as section thirteen, as follows:

How cor-
porate ex-
istence of
benevo-
lent, etc.,
societies
may be ex-
tended.

§ 13. The term of existence of any corporation which may have heretofore been or which may hereafter be organized under this act, may be extended in the following manner: the trustees of such corporation, or a majority of them, shall make and sign a certificate declaring the term, not exceeding fifty years, for which the said corporation is to be continued, which certificate shall be duly acknowledged, and be filed in the office of the Secretary of State, and also a copy thereof in the office of the clerk of the county where the original certificate of incorporation was filed; and from and after the filing of such certificate and copy, the said corporation shall be deemed continued for the term of years therein specified.

Chap. 191.

AN ACT to amend chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-four, entitled "An act for the protection and preservation of fish in that portion of the Walkill river in the counties of Ulster and Orange."

Passed April 29, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of chapter two hundred and thirty-one of laws of eighteen hundred and seventy-four, is hereby amended so as to read as follows :

§ 5. Nothing in this act contained shall prevent the catching of suckers or eels, during the months of March and April, in the said river, in any year, with a fyke.

§ 2. This act shall take effect immediately.

Chap. 192.

AN ACT making appropriations for the support of government.

Passed April 29, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The several amounts named in this act are hereby appropriated and authorized to be paid, from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year eighteen hundred and seventy-six, namely:

FROM THE GENERAL FUND—EXECUTIVE DEPARTMENT.

For the Governor, for salary, ten thousand dollars.

Governor.

For the Lieutenant-Governor, for salary, five thousand dollars.

Lienten-

For the private secretary of the Governor, for salary, three thousand five hundred dollars.

ant-Gov.

Private
secretary.

For the clerks and messengers in the Executive Department, including the military secretary and messenger, for full compensation, eleven thousand five hundred dollars.

Clerks and
messen-
gers.

For the Executive Department, for furniture, blank and other books necessary for the use of the department, binding, blanks, printing, stationery, telegraphing and other incidental expenses, two thousand five hundred dollars.

Furniture,
etc.

For the Executive Department, for the apprehension of criminals, one thousand dollars.

Appre-
hension of
criminals.

For the Executive Department, for the apprehension of fugitives from justice, one thousand dollars.

Appre-
hension of
fugitives.

For the rent of the Governor's house, four thousand dollars.

Rent of
house.

JUDICIARY—COURT OF APPEALS.

Judges of the Court of Appeals.	For the Judges of the Court of Appeals, for salaries and expenses, sixty-three thousand five hundred dollars.
State reporter.	For the State reporter, for salary, five thousand dollars, and two thousand dollars for clerk hire.
Clerk.	For the clerk of the Court of Appeals, for salary, five thousand dollars.
Deputy clerk.	For the deputy clerk of the Court of Appeals, for salary, three thousand dollars.
Clerk hire.	For the clerks in the office of the clerk of the Court of Appeals, for salaries, four thousand five hundred dollars.
Messenger.	For the messenger to the clerk of the Court of Appeals and the State Engineer and Surveyor (the same messenger), for his annual salary, eight hundred dollars.
Office of clerk of Court of Appeals.	For furniture, books, binding, blanks, printing calendar, and other necessary expenses of the office of the clerk of the Court of Appeals, two thousand five hundred dollars.
Criers and attendants.	For compensation of criers and attendants for the Court of Appeals, five thousand dollars.

SUPREME COURT.

Justices Supreme Court.	For justices of the Supreme Court, for salaries and expenses, two hundred and thirty-one thousand six hundred dollars.
General terms.	For the expenses of the general terms of the Supreme Court, five thousand dollars.

ATTORNEY-GENERAL'S OFFICE.

Attorney-General.	For the Attorney-General, for salary, five thousand dollars.
Deputy.	For the deputy Attorney General, for salary, three thousand five hundred dollars.
Clerk and messenger.	For the clerk and messenger in the office of the Attorney-General, for salaries, two thousand dollars.
Furniture, etc.	For furniture, books, binding, blanks, printing and other necessary expenses of the office of the Attorney-General, five hundred dollars.
Costs of suits.	For costs of suits, fees of sheriffs, compensation of witnesses, and for expenses and disbursements by the Attorney-General, two thousand dollars.
Counsel.	For compensation of counsel employed to assist the Attorney-General three thousand dollars.
Expenses.	For the expenses of the Attorney-General, one thousand dollars, or so much thereof as may be necessary, the amount thereof to be certified by the Governor.

OFFICE OF THE SECRETARY OF STATE.

Secretary of State.	For the Secretary of State, for salary, five thousand dollars.
Deputy.	For the deputy Secretary of State, and clerk of the Commissioners of the Land Office, for salary, and for indexing and making marginal notes of the session laws, three thousand five hundred dollars.
Clerks.	For clerks in the office of the Secretary of State, for salaries, fifteen thousand five hundred dollars.
Messenger.	For messenger in the office of the Secretary of State, one thousand dollars.
Furniture, etc.	For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the Secretary of State, two thousand dollars.

COMPTROLLER'S OFFICE.

For the Comptroller, for salary, six thousand dollars.

Comptrol-
ler.

For the deputy Comptroller, for salary, two thousand dollars.

Deputy.

For the second deputy Comptroller, for salary, three thousand five hundred dollars.

Second
deputy.

For clerks in the office of the Comptroller, for salaries, twenty-three thousand dollars.

Clerks.

For messenger in the office of the Comptroller, four hundred dollars.

Messen-
ger.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the Comptroller, two thousand dollars.

Furniture,
etc.

TREASURER'S OFFICE.

For the Treasurer, for salary, and for compensation for countersigning transfers and assignments of securities in the Banking and Insurance Departments, pursuant to chapter one hundred and forty-five of the laws of eighteen hundred and seventy-five, five thousand dollars, five hundred dollars of which shall be refunded into the treasury, pursuant to chapter one hundred and three of the laws of eighteen hundred and fifty-seven, and five hundred dollars thereof shall be refunded pursuant to chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine.

Treasur-
er.

For the deputy Treasurer, for salary, three thousand five hundred dollars.

Deputy.

For clerks in the office of the Treasurer, for salaries, seven thousand dollars.

Clerks.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the Treasurer, eight hundred dollars.

Furni-
ture.

DEPARTMENT OF PUBLIC INSTRUCTION.

For the Superintendent of Public Instruction, for salary, five thousand dollars.

Superin-
tendent.

For the deputy Superintendent of Public Instruction, for salary, three thousand five hundred dollars.

Deputy.

For the Department of Public Instruction, for traveling expenses, which may be incurred in the visitation of common schools, normal schools, teachers' institutes, Indian schools and other institutions under the supervision of that department, five hundred dollars.

Traveling
expenses.

For clerks in the office of the Superintendent of Public Instruction, seven thousand five hundred dollars.

Clerks.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the Superintendent of Public Instruction, one thousand dollars.

Furniture,
etc.

For expenses incidental to holding examinations for State certificates, five hundred dollars.

Expenses
of exam-
inations.

OFFICE OF THE STATE ENGINEER AND SURVEYOR.

For the deputy State Engineer and Surveyor, for salary, three thousand five hundred dollars.

Deputy
State En-
gineer

For compensation of clerks to assist in the preparation of railroad reports, two thousand five hundred dollars; and for the expenses of printing and binding said reports, five thousand dollars.

and Sur-
veyor.
Clerks.

- To be refunded.** The salary of the deputy State Engineer and Surveyor and of the clerks above mentioned, and the expenses of printing and binding aforesaid shall be paid and refunded to the treasury of the State by the several railroad companies of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five, and the several acts of the Legislature in relation thereto.
- Clerk hire.** For clerks in the office of the State Engineer and Surveyor, for salaries, three thousand five hundred dollars.
- Furniture, etc.** For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the State Engineer and Surveyor, five hundred dollars.

BANKING DEPARTMENT.

- Superintendent.** For the Superintendent of the Banking Department, for salary, five thousand dollars.
- Deputy, clerk hire, etc.** For compensation of the deputy, for clerk hire, and for furniture, blank and other books, binding, blanks, printing, and other necessary expenses of the office of Superintendent of the Banking Department, twelve thousand dollars.
- To be refunded.** The aforesaid salary, clerk hire and other expenses above mentioned, shall be refunded to the treasury of the State by the several banks, banking associations and bankers of this State, "in whose behalf they are incurred," pursuant to chapter one hundred and sixty-four, laws of eighteen hundred and fifty-one.

INSURANCE DEPARTMENT.

- Superintendent.** For the Superintendent of the Insurance Department, for salary, seven thousand dollars.
- Deputy, clerk hire, etc.** For compensation of the deputy, for clerk hire, and for furniture, blank and other books, binding, blanks, printing, and other necessary expenses of the Insurance Department, fifty thousand dollars, or so much thereof as may be necessary.
- To be refunded.** The aforesaid salary, clerk hire, and other expenses above mentioned, shall be refunded to the treasury of the State by the several insurance companies, associations, persons and agents, pursuant to chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine.

STATE ASSESSORS.

- State Assessors.** For the State Assessors, for compensation and traveling expenses, nine thousand dollars.

QUARANTINE COMMISSIONERS.

- Commissioners of Quarantine.** For the Commissioners of Quarantine, for salaries to each of them, two thousand five hundred dollars.

AUCTIONEERS' ACCOUNTS.

- Agent, to examine accounts.** For compensation of the agent to examine the accounts of auctioneers, one thousand two hundred dollars.
- Supt. of weights and measures.** For the superintendent of weights and measures, for salary, five hundred dollars.

LAND OFFICE.

For assessments and other expenses of public lands, and for mileage of the Speaker of the Assembly, for attendance as Commissioner of the Land Office, one thousand dollars. Expenses of public lands.

PUBLIC OFFICES.

For postage on official letters, documents and other matter sent by mail, of the Governor, Secretary of State, Comptroller, Treasurer, Superintendent of Public Instruction, Attorney-General, State Engineer and Surveyor, Adjutant-General, Inspector-General, and clerk of the Court of Appeals, five thousand dollars, and for stationery for the aforesaid public officers and their departments, four thousand dollars. Postage and stationery.

CAPITOL.

For repairs, cleaning, labor, gas and other necessary expenses of the Capitol, fifteen thousand dollars. Capitol repairs, etc.

For the Superintendent of the Capitol, for salary, twelve hundred dollars. Superintendent.

STATE HALL.

For repairs, cleaning, labor, gas and other necessary expenses of the State Hall, six thousand dollars. State Hall repairs, etc.

For the Superintendent of the State Hall, for salary, twelve hundred dollars. Superintendent.

REGENTS OF THE UNIVERSITY.

For the secretary of the Regents of the University, for salary, two thousand five hundred dollars. Secretary, for salary.

For the assistant secretary of the Regents of the University, for salary, two thousand dollars. Assistant.

For compensation of a botanist, for arranging the herbarium in the museum of natural history, one thousand five hundred dollars. Botanist.

For expense of postage, expressage, printing, stationery, visitation, examinations, expenses of Regents attending meetings of the board, and compensation of messenger, three thousand dollars. Postage, etc.

For James Hall, as State geologist, as compensation for services to be rendered for authorship, superintendence of drawings and engravings, for clerk hire and the use of working rooms for the arranging, labeling and distribution of the duplicate fossils and minerals, as the same may be fixed by the Lieutenant-Governor, Comptroller and Secretary of State, two thousand five hundred dollars. James Hall, salary as State geologist.

STATE LIBRARY.

For the purchase of books for the State Library, four thousand dollars, to be paid to the trustees of the State Library in semi-annual payments, on the first of April and first of October. State Library.

For binding, lettering and marking books for the State Library, one thousand seven hundred dollars. Binding, etc.

For repairs, cleaning, gas, transportation of books, and other necessary expenses of the State Library, two thousand dollars. Repairs, etc.

For the librarian's assistants and janitor of the State Library, for salaries, six thousand eight hundred dollars. Librarian's assistants and janitor.

HALL FOR THE STATE CABINET OF NATURAL HISTORY AND THE AGRICULTURAL MUSEUM.

Cabinet
natural
history.

For the State cabinet of natural history, ten thousand dollars.

Drawings
for natural
history.

For the persons employed in making drawings for the natural history of the State, to be paid as salary, or in such manner as may be determined by the Secretary of State and the secretary of the board of Regents, two thousand five hundred dollars.

Superin-
tendent,
etc.

For superintendent's repairs, cleaning, labor, gas, and other necessary expenses, including the compensation of the keeper of the hall for the State cabinet of natural history, five thousand dollars.

FUEL.

Fuel for
Capitol,
etc.

For fuel for the Capitol, the State Hall, the State Library and the hall for the State cabinet of natural history, five thousand dollars.

AGRICULTURE.

Promo-
tion of ag-
riculture.

For the promotion of agriculture, to be distributed in premiums by the State Agricultural Society, to the agricultural societies in counties and the American Institute in the city of New York, in the ratio prescribed by the act to promote agriculture, passed May fifth, eighteen hundred and forty-one, and the act to provide for the distribution of the moneys appropriated to promote agriculture and for other purposes, passed April twelfth, eighteen hundred and forty-eight, twenty thousand dollars.

LEGISLATURE.

Members
and offi-
cers of the
Legisla-
ture.

For compensation and mileage of members and officers of the Legislature, three hundred and sixty-five thousand dollars.

Advances
to clerks
for contin-
gent ex-
penses.
Postage,
expenses
of commit-
tees, etc.

For advances by the Comptroller to the clerks of the Senate and Assembly, for contingent expenses, fifteen thousand dollars.

For postage, expenses of committees, compensation of witnesses, Legislative manual, Croswell's manual, clerk's manual, indexing the bills, journals and documents of the Senate and Assembly, and other contingent expenses of the Legislature, eighteen thousand dollars.

STATE PRINTING.

Legisla-
tive print-
ing.

For the Legislative printing for the State, including binding, mapping, engraving, publication of the official canvass and other official notices, one hundred thousand dollars, and the official canvass shall be printed and published only in the State paper at the public expense.

STATE PRISONS.

Inspect-
or's sala-
ries.

For the Inspectors of State Prisons, for salaries, five thousand five hundred dollars, and for traveling expenses, three thousand dollars.

Mainte-
nance.

For the support and maintenance of the several State prisons, and for material and expenses of manufacturing, pursuant to chapter two hundred and forty of the laws of eighteen hundred and fifty-four, and chapter forty-three of the laws of eighteen hundred and sixty-five, eight hundred thousand dollars.

Croton
water for
Sing Sing
prison.
Water for
Auburn
prison.

For supplying Croton water to the Sing Sing prison, one thousand five hundred dollars.

For supplying water for Auburn prison and the asylum for insane convicts, two thousand dollars.

For the maintenance of convicts sentenced to penitentiaries, in pursuance of chapter one hundred and fifty-eight, laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four, laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four, laws of eighteen hundred and sixty-nine, chapter two hundred and forty-seven, laws of eighteen hundred and seventy-four, and chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, ten thousand dollars.

Maintenance of convicts sent to penitentiaries.

For refunding deposits to prison contractors, one thousand dollars.

Deposits to prison contractors.

For the salaries and allowances of the treasurer and resident officers of the State Inebriate Asylum, six thousand dollars, or so much thereof as the managers of that asylum shall determine to be necessary, subject to the approval of the Comptroller, pursuant to chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-three, and for traveling expenses of the trustees thereof, six hundred dollars.

State Inebriate Asylum.

ASYLUM FOR INSANE CONVICTS.

For the support and maintenance of the Asylum for Insane Convicts, twenty-four thousand dollars.

Asylum for Insane Convicts.

STATE LUNATIC ASYLUM.

For the officers of the State Asylum for Lunatics, for salaries, fifteen thousand dollars.

Officers' salaries.

INDIAN AFFAIRS.

For the relief of the Onondaga Indians, three hundred dollars.

Onondaga Indians.

For compensation of the agent of the Onondaga Indians, two hundred dollars.

Agent of Onondaga Indians.

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred and seventy-eight of the laws of eighteen hundred and forty-seven, and chapter six hundred and thirty-five of the laws of eighteen hundred and sixty-nine, sixty-five dollars, or so much thereof as may be necessary.

Allegany and Cattaraugus reservations.

For compensation of the agent of the Onondaga Indians, on the Allegany and Cattaraugus reservations, one hundred and fifty dollars.

Attorney St. Regis Indians.

For the compensation of the attorney of the St. Regis Indians, one hundred and fifty dollars.

For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars.

Attorney Seneca Indians.

For compensation of the attorney for the Tonawanda band of Seneca Indians, one hundred and fifty dollars.

Attorney Tonawanda band.

ONONDAGA SALT SPRINGS.

For the salary of the superintendent, the compensation of clerks, and other persons employed, and other necessary expenses of the Onondaga salt springs, sixty thousand dollars.

Salary superintendent, clerks, etc.

MILITIA OF THE STATE.

For expenses of the National Guard of the State of New York, two hundred and seventy-five thousand dollars.

National Guard, expenses of.

INTEREST ON STATE INDEBTEDNESS.

For interest on the debt of thirty-six thousand dollars, created for the benefit of the Stockbridge Indians, two thousand one hundred and sixty dollars.

Interest on Stockbridge Indian debt.

COUNTY TREASURERS.

Advances on account of non-resident taxes. For advances to county treasurers, on account of taxes on property of non-residents, which may be returned to the Comptroller's office, sixty thousand dollars.

TRANSPORTATION.

Transportation of session laws, etc. For expenses of transportation of the session laws, journals and documents of the Legislature, reports, books and packages, by express, for the public offices, and for the expenses of boxes, five thousand dollars.

REPAYMENT OF MONEYS.

Redemption of lands. For repayment of money to purchasers, for redemption of land sold for taxes, fifty thousand dollars.

Taxes erroneously paid. For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars.

Failure of titles. For repayment of money in cases of failure of titles to lands sold by the State, three hundred dollars.

Mistakes. For repayment of money paid into the treasury through mistake, five hundred dollars.

MISCELLANEOUS.

Inspectors of gas-meters. For inspectors of gas-meters, for salary and contingent expenses, pursuant to chapter one hundred and sixteen of the laws of eighteen hundred and sixty, and to the conditions and requirements imposed by chapter one hundred and thirty-five of the laws of eighteen hundred and sixty-three two thousand five hundred dollars, or so much thereof as may be necessary to pay the present inspector of gas-meters his salary to the end of his term of office, which amount shall be refunded to the treasury by the several gas-light companies, pursuant to chapter three hundred and eleven of the laws of eighteen hundred and fifty-nine, but no payment shall be made by the Comptroller upon such salary and expenses, until an amount equal to such payments shall be received by him from gas companies or some of them.

Trustees of Washington's headquarters, Newburgh. To the trustees of Washington's headquarters, at Newburgh, for compensation of superintendent, and for care, maintenance, repairs, and improvement of grounds, the sum of one thousand dollars.

Court of Appeals reports. For supplying other States with reports of the Court of Appeals, and of the Supreme Court, five hundred dollars.

Manhattan Company. For expenses of books and stationery for the transfer office, at the Manhattan Company, New York, two hundred and fifty dollars.

Agent of State stocks. For compensation of the agent, in the city of New York, to superintend the issue and transfer of State stock, seven hundred and fifty dollars.

Deaf Mute Journal. For supplying the Deaf Mutes' Journal to the deaf and* persons of this State, three hundred dollars.

Pilot commissioners. For the expenses of the board of pilot commissioners, New York, four thousand five hundred dollars.

Commissioners to revise the Statutes. For the commissioners to revise the Statutes, appointed under chapter thirty-three of the laws of eighteen hundred and seventy, for their salaries, fifteen thousand dollars; for their expenses for clerical services and other incidental matters, six thousand dollars; and, in addition thereto, three thousand dollars for the general expenses of the commission, to be expended under the direction of the commissioners. The

* So in the original.

term of office of the said commissioners is hereby extended to the first day of May, in the year eighteen hundred and seventy-eight.

DEAF AND DUMB.

For the support and instruction of three hundred and forty pupils at the institution for the deaf and dumb in New York, one hundred and two thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils as shall be verified by affidavits of the president and secretary of the institution. Pupils at deaf and dumb institution, New York.

For the support and instruction of fifty pupils at the institution for the improved instruction of deaf mutes in New York, fifteen thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be verified by affidavits of the president and secretary of the institution. Pupils at institution for improved instruction of deaf mutes, New York.

For the support and instruction of forty pupils at the Le Conteulx St. Mary's Institution for the improved instruction of deaf mutes, at Buffalo, twelve thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, to be paid by the Comptroller, upon the certificate and oath of the president and secretary of the institution. Pupils at Le Conteulx St. Mary's Institution, Buffalo.

For the support and instruction of sixty pupils at the Central New York Institution for Deaf Mutes, at Rome, eighteen thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, to be paid by the Comptroller, upon the certificate and oath of the president and secretary of the institution, approved by the Superintendent of Public Instruction. Pupils at Central New York Institution for Deaf Mutes, at Rome.

For the Thomas asylum for orphan and destitute Indian children, for the education and maintenance of one hundred children, at the rate of eighty-five dollars per capita, pursuant to chapter one hundred and *and sixty-two of the laws of eighteen hundred and seventy-five, eight thousand five hundred dollars. Thomas asylum.

BLIND.

For the support and instruction of one hundred and eighty pupils, for one year, at the institution for the blind in New York, fifty-four thousand dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of the institution. Pupils at New York institution for the blind.

JUVENILE DELINQUENTS.

For the society for the reformation of juvenile delinquents in the city of New York, forty thousand dollars. Society for the reformation of juvenile delinquents, New York city.

HOUSE OF REFUGE.

For the house of refuge for western New York, fifty-five thousand dollars. Western house of refuge.

IDIOT ASYLUM.

For the State asylum for idiots, at Syracuse, thirty-six thousand dollars. Idiot asylum, Syracuse.

* So in the original.

WILLARD ASYLUM FOR THE INSANE.

Officers of
Willard
asylum for
insane.

For the officers of the Willard asylum for the insane, for salaries, ten thousand five hundred dollars.

HUDSON RIVER STATE HOSPITAL FOR THE INSANE.

Officers of
Hudson
river State
hospital.

For the officers of the Hudson river State hospital for the insane, for salaries, eight thousand dollars.

STATE HOMŒOPATHIC ASYLUM.

State
homœo-
pathic
asylum.

For the State homœopathic asylum for the insane, for salaries, eight thousand dollars, or so much thereof as may be necessary, and as the same may be approved by the Governor, Secretary of State and Comptroller, pursuant to chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-four.

INSTITUTION FOR THE BLIND, BATAVIA.

Institu-
tion for
the blind,
Batavia.

For the maintenance of the institution for the blind, at Batavia, forty thousand dollars.

STATE COMMISSIONERS OF PUBLIC CHARITIES.

Secreta-
ry's sala-
ry.

For the salary of the secretary of the State board of charities, three thousand five hundred dollars.

Conti-
nent ex-
penses.

For the traveling expenses of the commissioners and secretary, and for office expenses, clerk hire and other contingencies, four thousand dollars.

State
Commis-
sioner in
Lunacy.

For the salary of the State Commissioner in Lunacy, four thousand dollars, and for traveling and other incidental necessary expenses of said Commissioner, one thousand dollars, or so much thereof as may be necessary.

State pau-
pers.

For the support and care of State paupers, twenty-five thousand dollars.

PAYABLE FROM THE FREE SCHOOL FUND.

Normal
school,
Albany.

For the State normal school at Albany, for its maintenance, eighteen thousand dollars.

Normal
and train-
ing
schools.

For the State normal and training schools at Buffalo, Brockport, Cortland, Fredonia, Geneseo, Oswego, and Potsdam, for their maintenance, to each of them eighteen thousand dollars.

Teachers'
institutes.

For the maintenance of the teachers' institutes, pursuant to chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, eighteen thousand dollars.

Common
schools.

For the support of the common schools of this State, two million seven hundred and ninety-seven thousand seven hundred and twenty-five dollars, or so much thereof as shall remain of the proceeds of the tax of one and one-fourth mills upon each dollar of the taxable property in this State, levied for the support of common schools, after deducting from the proceeds of said tax the sum of one hundred and sixty-two thousand dollars appropriated in the last three items above mentioned, payable from the free school fund, pursuant to chapter four hundred and six of the laws of eighteen hundred and sixty-seven.

PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.

For interest on the sum of two million nine hundred and twenty-nine thousand eight hundred and thirty-one dollars and fifty-three cents of the general fund State debt, one hundred and fifty-five thousand one hundred and ninety dollars and fifty-two cents. Interest on general fund debt.

For the payment of annuities to the several Indian tribes, namely: Indian annuities.
 To the Onondagas, two thousand four hundred and thirty dollars;
 To the Cayugas, two thousand three hundred dollars;
 To the Senecas, five hundred dollars;
 To the St. Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents.

PAYABLE FROM THE SCHOOL FUND. REVENUE.

For dividends to common schools, one hundred and seventy thousand dollars. Common schools.

For the support of Indian schools, four thousand dollars. Indian schools.

For refunding money paid into the treasury for redemption of lands sold for arrears of consideration, five hundred dollars. Refunding moneys.

For refunding surplus moneys received on resales of lands, five hundred dollars.

For expenses of lands, two hundred dollars. Expenses of lands.

PAYABLE FROM THE LITERATURE FUND.

For dividends to the academies, twelve thousand dollars. Academies.

For the purchase of text books, maps and globes, philosophical and chemical apparatus for the academies, three thousand dollars. Text-books, etc.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND — CAPITAL.

For investment of the capital of the United States deposit fund, fifty thousand dollars, or so much thereof as may be necessary. United States deposit fund investment.

REVENUE.

For dividends to common schools, including the salaries of the county school commissioners, one hundred and sixty-five thousand dollars. Common schools.

For dividends to academies, twenty-eight thousand dollars. Academies.

For amount to be added to the capital of the school fund, pursuant to article nine of the Constitution, twenty-five thousand dollars. School fund.

For instruction of common school-teachers in the academies designated by the Regents of the University, eighteen thousand dollars. Common school teachers.

For refunding money erroneously paid into the treasury, five hundred dollars. Refunding moneys.

PAYABLE FROM THE BOUNTY DEBT SINKING FUND.

For investment of contributions to the sinking fund, and payment of interest on the State indebtedness, known and designated as the bounty debt, eight hundred and fifty thousand dollars, or so much thereof as may be necessary. Bounty debt.

PAYABLE FROM THE COLLEGE LAND SCRIP FUND. REVENUE.

For the Cornell University, twenty-five thousand dollars. Cornell University.

PAYABLE FROM THE CORNELL ENDOWMENT FUND. REVENUE.

For the Cornell University, eight thousand dollars.

PAYABLE FROM THE MILITARY RECORD FUND. REVENUE.

Bureau of
military
statistics.

For the expenses of the bureau of military statistics, three thousand dollars.

PAYABLE FROM THE ELMIRA FEMALE COLLEGE EDUCATIONAL FUND. REVENUE.

Elmira
Female
College.

For the Elmira Female College, three thousand five hundred dollars.

Treasurer
to pay ap-
propria-
tions.

Comptrol-
ler to
draw his
warrant.

Verifica-
tion of ac-
counts.

Treasurer
to report
to Legisla-
ture.

Public de-
partments
and offi-
cers pro-
hibited
from in-
curring in-
debted-
ness.

Penalty.

The amounts herein appropriated shall be paid by the Treasurer from the respective funds as specified, and the salaries named shall be established and fixed by this act for the several officers for whom they are designed; but the Comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries, and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the persons demanding them shall present to him a detailed statement, in items, of the same; and, if such account shall be for services, it must show when, where, and under what authority they were rendered; if for expenditures when, where, and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and, if the demand shall be for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business, and the dates and items of expenditures. All accounts must be verified by an affidavit, to the effect that the account is true, just and correct, and that no part of it has been paid, but is actually and justly due and owing; on all accounts for transportation, furniture, blank and other books purchased for the use of office, binding, blanks, printing, stationery, postage, cleaning, and other necessary and incidental expenses, a bill, duly receipted, must also be furnished; and it shall be the duty of the Treasurer to report annually to the Legislature the details of these several expenditures.

No indebtedness, for any purposes whatever, shall be hereafter incurred by any department or office of the government of the State of New York, or by any officer thereof, or clerk, or employee, or board, or commission, officer, or person whatsoever, exceeding the amount of the annual appropriations made therefor, severally, to be raised by taxation, or exceeding the amount authorized by law to be expended for any purpose. The violation of any of the provisions of this act shall be sufficient cause for the removal from office of the officer, board, commission or person violating the same.

Chap. 193.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

Passed May 1, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer shall pay, on the warrant of the Comptroller, from the several funds specified, to the persons and for the objects indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish in full the purposes designated by the appropriations; but no warrant shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the Comptroller, who is hereby authorized to determine the same. The persons demanding payment shall present to him, if required, a detailed statement, in items, verified by affidavit; and if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, and the date and items of expenditure. On all accounts for transportation, furniture, blank and other books furnished for the use of offices, binding, blanks, printing, stationery and postage, a bill duly certified must also be furnished; but whenever an appropriation shall have been made for the same purpose or the amount shall have been provided otherwise, the sum herein directed to be paid shall not be considered as an addition to such other appropriation, unless it shall be expressly so declared in this act.

FROM THE GENERAL FUND.

For the clergymen officiating as chaplain of the Assembly during the session of eighteen hundred and seventy-six, for compensation, to be paid to the Clerk of the Assembly for distribution by him to those clergymen, at the rate of three dollars per day for every day of attendance, the sum of three hundred dollars.

For the Reverend Ebenezer Halley, for services as chaplain of the Senate, for the session of eighteen hundred and seventy-six, as compensation, the sum of five hundred dollars, to be paid on the certificate of the clerk.

For the Regents of the University, for deficiency in appropriation for expense of postage, expressage, printing, stationery, visitation, examinations, expenses of Regents in attending meetings of the board, and to pay Charles H. Peck for field expenses as State botanist, and other necessary expenses, five hundred and ninety-one dollars.

For the State Library, for deficiency in appropriation for binding, seven hundred and nine dollars and eighty-six cents; and for repairs, cleaning, gas, transportation of books, and other necessary expenses of the library, two hundred and seventy-seven dollars and fifty-five cents.

Regents
of the uni-
versity.

For the Regents of the University, for the purchase and preparation of a set of the natural history of New York, the annual reports of the geologists of the State of New York, the annual and other reports on the New York State Museum of natural history and of the Regents of the University, and other State publications relating to the natural history and the resources of the State, together with a history of the geological survey and of the State Museum of natural history and their relations with the educational interests of the State, for exhibition at the Centennial anniversary at Philadelphia, five hundred dollars, or so much thereof as may be necessary.

Drawings
for the
natural
history.

For procuring one hundred photo-plate copies, each of thirty quarto pages, of the drawings prepared for the natural history of the State, three hundred dollars, or so much thereof as may be necessary; the work to be done in the same manner and to be bound with those ordered by chapter six hundred and thirty-four of the laws of eighteen hundred and seventy-five. The volumes when completed shall be delivered to the Secretary of State and Secretary of the Board of Regents, who shall distribute copies to such libraries in the United States and Europe as they may deem proper, and the remainder shall be sold at such price per volume as those officers shall determine to be their value, and the proceeds thereof shall be paid into the treasury of the State.

Distribu-
tion.

State mu-
seum of
natural
history.

For the Regents of the University, for the purchase for the State Museum of natural history, and for the expenses attending the preparation and mounting, of the skins and skeletons of certain tropical animals, of rare appearance in this country, nine hundred dollars, and the said museum shall hereafter be under the sole charge of said Regents.

Jas. Hurst.

For deficiency in the salary of James Hurst, taxidermist of the State Museum of natural history, to the first day of October next, four hundred and sixty dollars, or so much thereof as the Comptroller shall find due to him, at the same rate at which he has been paid.

Expenses
of state
depart-
ments.

Clerk of
commis-
sion of ap-
peals.

For deficiency in appropriations for furniture, blank and other books, and other necessary expenses, for the several departments herein mentioned, namely: Attorney-general, five hundred dollars; Superintendent of Public Instruction, eight hundred dollars; and for the expenses of the late Clerk of the Commission of Appeals, sixty dollars and twenty-six cents.

For deficiency of appropriation for payment to the commissioners of money received in the treasury for taxes on lands of non-residents, appropriated for the construction of roads, two thousand five hundred dollars.

Commis-
sion to in-
vestigate
affairs of
canals.

For deficiency of appropriation for the salaries and expenses of the Commissioners to investigate the affairs of the canals, and for the compensation of experts, agents and other assistants employed by them, five thousand dollars, or so much thereof as may be necessary.

Removing
intruders
on lands of
St. Regis
Indians.

For the services and expenses of removing intruders upon the lands of the St. Regis Indians in Franklin county, one hundred dollars, or so much thereof as may be necessary.

For the erection of a council house on the Tonawanda reservation, two hundred dollars.

Compen-
sation of
members,
etc., of the
legisla-
ture.

For deficiency in appropriation for compensation of members and officers of the Legislature for the current fiscal year, forty-two thousand dollars.

Contin-

For deficiency in appropriation for postage, expenses of committees, services of counsel thereof, including services of counsel for joint leg-

islative committees, and services of counsel employed by committees of the Senate, appointed May twenty-second, eighteen hundred and seventy-five, to investigate the departments and officers of the government of the city and county of New York, compensation of witnesses, printing, including Croswell's manual, clerk's manual, and other contingent expenses of the Legislature, thirty-five thousand dollars.

For the purchase of coin to pay interest on general fund State debts, including the Indian annuities, eight thousand dollars.

Purchase
of coin.

For William E. Warren, for his services and expenses as a witness in the case of Charles H. Phelps, indicted and convicted for defalcation in the State treasury in eighteen hundred and seventy-five, three hundred and twenty-four dollars and thirteen cents; this appropriation is in lieu of an appropriation of a like amount made in chapter six hundred and thirty-four of the laws of eighteen hundred and seventy-five, for the expenses of William E. Warren, as such witness.

William
E. War-
ren.

For the payment of the expenses of cartage of Senate and Assembly documents to the post-office in Albany, during the session of eighteen hundred and seventy-six, two hundred dollars, to be paid to the parties who render the services, in such proportions as the Comptroller shall determine to be just and proper; and to the mail carrier of the Assembly, to make his pay three dollars per day, the sum of one hundred dollars.

Cartage
of docu-
ments.

Assembly
mail car-
rier.

For compensation of sheriffs for the transportation of convicts to the prisons, asylums for insane convicts, houses of refuge and penitentiaries, during the fiscal year ending September thirtieth, eighteen hundred and seventy-seven, twenty thousand dollars. Hereafter the compensation of sheriffs for transporting convicts to the several State prisons, houses of refuge and penitentiaries of this State, shall not exceed twenty cents for each mile for each convict, when not exceeding two convicts are conveyed.

Transport-
ation of
convicts.

For deficiency in appropriation for compensation to sheriffs for the transportation of convicts to the prisons, asylums for insane convicts and penitentiaries, for the current fiscal year, ten thousand dollars.

Deficien-
cy in ap-
propria-
tion to
sheriffs.

For the Secretary of State, for the payment of extra clerks and for other necessary expenses in his department, in the preparation, tabulation, printing and binding of the census for eighteen hundred and seventy-five, the sum of thirty thousand dollars.

Census.

For deficiency in the appropriation for the support of Indian schools, one thousand dollars; and for expenses incidental to holding examinations for State certificates, until October one, eighteen hundred and seventy-six, the sum of one hundred and fifty dollars.

Indian
schools.

For S. H. Sweet, late State Engineer and Surveyor, for clerk hire in the preparation of the annual report on railroads, for the year eighteen hundred and seventy-five, the sum of one thousand dollars, to be refunded to the treasury by the several railroad corporations of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

Late State
Engineer
and Sur-
veyor.

For the office of the State Engineer and Surveyor for salary of clerk to index and prepare for ready reference railroad maps required by law to be placed on file in his office, and to assist in preparing the annual railroad report, one thousand two hundred dollars, to be refunded to the treasury by the several railroad corporations of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

Office
State En-
gineer
and Sur-
veyor.

For the office of the Secretary of State, for deficiency in the appropriation for clerk hire, one thousand dollars. The unexpended balance

Office Sec-
retary of
State.

of eighty dollars, appropriated by chapter seven hundred and eighteen of the laws of eighteen hundred and seventy-one for the compensation of the commissioners to examine public accounts, is hereby reappropriated for the same purpose.

Legal representatives of J. M. Wetherbee.

For the legal representatives of J. M. Wetherbee, deceased, a Member of Assembly from the county of Orleans, who died during the session of the Legislature of eighteen hundred and seventy-five, the sum of seven hundred and sixty dollars, being the sum remaining unpaid of his annual salary as such Member.

Attorney-general.

For the Attorney-General, to pay any judgments of the Supreme Court against the State in favor of any citizen or citizens of this State, for costs and allowances in any suit commenced against such citizen or citizens by the Attorney-General, or any of his predecessors, and for counsel employed to assist the Attorney-General, or any of his predecessors, the sum of ten thousand five hundred dollars, or so much thereof as may be necessary; and for the payment of counsel on the part of the People selected and appointed by the Governor, at the request of Attorney-General Pratt, on a requisition of a Justice of the Supreme Court on the four trials of indictments against Charles H. Phelps, the sum of three thousand dollars; and for the payment of counsel attending on the part of the People upon the requisition of a Justice of the Supreme Court, and at the request of Attorney-General Pratt, upon the trial of Michael Donahue, indicted for murder for a homicide committed in the Auburn State prison, the sum of one thousand dollars; and to pay for counsel employed by the late Attorney-General, in full for services and expenses in the Kelsey cases, in Suffolk county, in eighteen hundred and seventy-four, the sum of one thousand dollars, or so much thereof as the Attorney-General shall deem to be a fair and suitable compensation therefor; for the payment of the expenses of late officers of this State in their attendance as witnesses upon the trial of George D. Lord, at Buffalo, subpoenaed on the part of the State, the sum of four hundred dollars, or so much thereof as may be necessary; and for necessary expenses in conducting prosecutions to recover moneys from fraudulent contractors, and in the prosecution of persons charged with bribery and other criminal offenses connected with frauds in respect to contracts, fifteen thousand dollars; and a detailed statement of such expenses shall be furnished by the Attorney-General to the Comptroller; for the expenses of carrying on the suits now pending in the United States court against the State of Connecticut, instituted pursuant to a resolution of the Legislature, to determine the boundary line through Long Island sound, and the constitutionality of certain laws of Connecticut, the sum of one thousand dollars, or so much thereof as may be necessary.

Comptroller.

For the Comptroller, for the repayment of money to persons who have paid the same into the treasury for lands, the title to which the State has conveyed to other parties, and for interest thereon, the sum of sixteen hundred and sixty dollars, or so much thereof as the Comptroller, on examination, shall ascertain to be just and allowable; and for the payment of the keeper of the Capitol for services in carrying

Superintendent of the capitol, for carrying mail.

letters, documents and other mail matter to the post-office at Albany, for the Senate and Assembly, from May twenty-second to June fifth, eighteen hundred and seventy-five, the sum of fifty dollars, or so much thereof as may be necessary; for the payment of the actual expenses of the commissioners appointed, pursuant to concurrent resolutions of the Legislature of eighteen hundred and seventy-five, to devise a plan for the government of cities, one thousand dollars; for the services of

Commission on government of cities.

William E. Hodes, as messenger of the committee for the investigation of quarantine affairs in the city of New York, appointed by the Legislature of eighteen hundred and seventy-five, and for subpoenaing witnesses, and for his expenses from the ninth day of July to the twentieth day of December, eighteen hundred and seventy-five, the sum of four hundred dollars, or so much thereof as may be necessary, to be paid if in the judgment of the Comptroller it is right and proper; and for the payment to the firemen and women employed at the Capitol by the keeper thereof during the year eighteen hundred and seventy-four, of the balance due them for their services, to be certified by such keeper, the sum of four thousand and eighty-two dollars.

W. E. Hodes, messenger to quarantine investigating committee.

Firemen and women employed at the Capitol.

The persons employed as firemen, watchmen and cleaning women at the State Hall shall receive such per diem compensation as is paid to persons employed in like capacity at the Capitol.

Firemen, watchmen and cleaning women at state hall.

The unexpended balance of the appropriation made in chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-four, for compensation of the agent of the Comptroller to examine the accounts of auctioneers, being the sum of one hundred and eighty-three dollars and fifteen cents, is hereby reappropriated for the expenses of said agent.

Agent of comptroller to examine auctioneer's accounts.

For the Clerk of the Senate, for preparing a general index to the laws of the State, from eighteen hundred and seventy to eighteen hundred and seventy-five, inclusive, pursuant to resolution of the Senate, passed January twenty-six, eighteen hundred and seventy-five, the sum of twelve hundred dollars, to be audited by the Comptroller, and the Secretary of State is hereby directed to distribute the indices ordered in accordance with the terms of said resolution; and for the purchase, for the use of the Senate library, per resolution of the Senate, of seven copies of the Code as it is, fourteen dollars; for one copy of Abbott's Digest, thirty-nine dollars; and for one set of Revised Statutes, eighteen dollars.

Clerk of senate, for preparing index.

Distribution of indices.

Senate library.

For the Clerk of the Assembly of eighteen hundred and seventy-five, for preparing two general indices of the printed bills and papers on file in the Assembly, pursuant to resolution of the Assembly of eighteen hundred and seventy-five, the sum of four hundred dollars, to be audited by the Comptroller.

Clerk of assembly, for preparing indices.

For the clerks and messengers of the several committees of the Senate and Assembly of eighteen hundred and seventy-six, excepting those on the committees of apportionment and the sub-committee of the whole, for certain door-keepers thereof and certain general messengers and such other offices* thereof as are not already paid therefor, and for the pages of the two Houses who served for the first half of the session of eighteen hundred and seventy-six, to pay them their usual per diem allowance, from the first day of the session until the first day for which the Comptroller has already allowed pay to them, in such sums to each, as the presiding officers and clerks of the two Houses respectively shall certify and apportion to each out of the sum hereby appropriated, which said sums so certified and apportioned are hereby fixed as their pay and allowances for the period and purposes above mentioned; and to the clerk of the President of the Senate the same compensation as is allowed to the Speaker's clerk; and to the clerks of said committees, to each of them, the same mileage as allowed to members of the Legislature, the sum of five thousand dollars, or so much thereof as may be necessary.

Employees of senate and assembly.

*So in the original.

John
Johnson
and Geo.
Hawkins.

For John Johnson and George Hawkins, for services in charge of the closets in the capitol, under the appointment of the keeper of the capitol to each of them, one hundred and fifty dollars.

Joint leg-
islative
commit-
tee to in-
vestigate
affairs of
canals.

For the expenses of the joint committee appointed by the Legislature of eighteen hundred and seventy-five, to investigate and examine into the management of the canals, to pay for services, not already paid, of the sergeant-at-arms of the Senate for his per diem compensation in subpoenaing witnesses after the adjournment of the Legislature, and to the messenger of the committee for his services previous to the adjournment of the Legislature, to be paid to each person entitled to receive the same, in such sum as the chairman of said joint committee shall certify and apportion to each out of the sum hereby appropriated, the sum of seven hundred dollars.

Frank D.
Rocken-
styre,
janitor of
commit-
tee rooms.

For Frank D. Rockenstyre, for services as janitor of the committee rooms for the Legislature of eighteen hundred and seventy-five, from the first day of May to the twenty-second day of May, eighteen hundred and seventy-five, the sum of sixty-six dollars.

Officers
and em-
ployees of
legisla-
ture re-
maining
after ad-
journ-
ment.

For such officers and employes of the Legislature of eighteen hundred and seventy-six, not exceeding three in number in each house, as may be designated by the presiding officers of the respective houses, to remain after the adjournment of this Legislature to perform duty for a period not exceeding fourteen days, to each one in such sum, not exceeding his legal per diem allowance, as the clerk of each house respectively shall certify and apportion to each out of the sum hereby appropriated, the sum of five hundred and four dollars, or so much thereof as may be necessary.

Charles D.
Lane, mes-
senger in
assembly.

For Charles D. Lane, as messenger to the postmaster of the Assembly, for the first fourteen days of the session of eighteen hundred and seventy-three, forty-two dollars.

Stenog-
rapher of
the sen-
ate.

For the stenographer of the Senate, for the payment of such assistance as he may employ from the first day of April to the close of this session in furnishing copies of debates, the sum of three hundred and seventy dollars, or so much thereof as may be necessary; and for reimbursing him for amounts actually paid out by him for assistance in writing out debates in the Senate of eighteen hundred and seventy-four, for the use of members thereof, three hundred and sixty dollars; this appropriation is in lieu of an appropriation made by chapter six hundred and thirty-four of the laws of eighteen hundred and seventy-five, for the same purpose, but which has not been paid.

John H.
Ferris,
assistant
superin-
tendent
of docu-
ments.

For John H. Ferris, for services as assistant superintendent of documents of the Assembly, from the twelfth day of January to the fourth day of February, eighteen hundred and seventy-six, one hundred and thirty-eight dollars.

E. P. Fan-
cher, sten-
ographer
to senate
canal com-
mittee.

For E. P. Fancher, for services as stenographer before the Senate canal committee in relation to the extraordinary repair bill during the session of eighteen hundred and seventy-four and eighteen hundred and seventy-five, the sum of fifty dollars, to be audited by the Comptroller.

E. M.
Plum.

For E. M. Plum, for services and expenses in producing before Senate committee on apportionment, census returns from files of New York county clerk's office, thirty-six dollars and seventy-five cents, or so much thereof as may be necessary.

Rooms,
gas, etc.,
for com-
mittees of
senate

For the rent of rooms, gas, fuel, and furniture for the committee on finance of the Senate, and for Assembly committees for the session of the Legislature of eighteen hundred and seventy-six, two thousand five hundred dollars, to be paid to the parties entitled to receive the same

in such proportions as the chairman of the committee on finance and the Speaker of the Assembly shall respectively certify to be just and proper.

For the trustees of Washington's Headquarters, three hundred dollars, in place of that amount appropriated by chapter three hundred and seventy-three, of the laws of eighteen hundred and seventy-five.

Trustees
Washington's
Head-
quarters.

For the expenses of the officers of the United States service appointed by the President of the United States to revise the exterior pier and bulkhead lines of the harbor of New York, on the Staten Island side, pursuant to concurrent resolution of the Legislature of eighteen hundred and seventy-five, to be paid upon vouchers to be furnished to, and audited by the Comptroller, the sum of five thousand dollars, or so much thereof as may be necessary.

United
States off-
cers, for
expenses
in revising
pier lines,
New York
harbor.

For repairs of arsenals and armories belonging to the State, six thousand two hundred dollars, or so much thereof as may be necessary, to be paid on the audit of the Adjutant-General and the approval of the Governor as Commander-in-Chief.

Arsenal
and armo-
ry repairs.

For the Adjutant-General, for services of extra clerks employed by him in copying muster-out rolls of volunteers, six thousand dollars; for expenses incurred at the encampment of the sixth division of the National Guard, at Syracuse, in October, eighteen hundred and seventy-four, as shown by certain bills on file in the Adjutant-General's office, which have been audited and allowed by the Adjutant-General, pursuant to section two hundred and sixty-four, chapter eighty, laws of eighteen hundred and seventy, thirty-nine hundred and thirty-seven dollars and eighty-two cents; for services and expenses in prosecuting the war claims of the State against the United States, under the direction of the Adjutant-General, four thousand dollars, or so much thereof as may be necessary, to be paid on the audit of the Adjutant-General, and the approval of the Governor as Commander-in-Chief; and to pay the builder of the State armory, at Syracuse, for work thereon, done under the direction of the architect in charge, and certified to by the commissioners thereof, the sum of two thousand seven hundred and thirty-seven dollars.

Adjutant-
general.

For the New York State armory, at Utica, for a steam-heating apparatus, and for fitting the same, the sum of twelve hundred dollars, or so much thereof as may be necessary; the purchase to be made and the work to be done under the direction of the Adjutant-General, Inspector-General, and Chief of Ordnance.

Armory at
Utica, for
heating
appara-
tus.

For completing the armory building in the city of Auburn, and for supplying the same with furniture and heating apparatus, the sum of five thousand dollars, to be expended by the present commissioners, having in charge the construction of said armory building.

Auburn
armory.

For Banks and Brothers for furnishing a law library for two years for the use of the members of the Commission of Appeals, from January first, eighteen hundred and seventy-four, to January first, eighteen hundred and seventy-six, the sum of fifteen hundred dollars; for amount paid Judge Earl, for insurance thereon, from eighteen hundred and seventy to eighteen hundred and seventy-four, both inclusive, the sum of one hundred and eighty-one dollars and seventy-five cents; for freight on library of Judge Hunt, and expenses to Utica and back, the sum of twenty-nine dollars and ninety-seven cents; for freight from Kinderhook, paid on library of Judge Reynolds, and expenses thereon, the sum of ten dollars and sixty cents; for freight on library of Judge Earl, and the expenses to and from Herkimer, the sum of seventeen dollars and three cents; and for freight on library of Judge Gray, and

Commis-
sion of
appeals.
Banks
Brothers,
for law
library.

Freight
and insur-
ance.

expenses to and from Elmira, the sum of thirty-seven dollars and sixty-one cents.

Thomas J.
Bishop.

For Thomas J. Bishop, for salary, as assistant clerk of the Commission of Appeals, from the first day of October to the fifteenth day of December, eighteen hundred and seventy-five, three hundred and seventy-five dollars; and for Henry H. Burhans, for salary as messenger of said commission for the same period, seventy-five dollars.

Henry H.
Burhans.

Insurance
depart-
ment.

For the Insurance Department, the sum of seventeen thousand one hundred dollars, being the amount withdrawn from the appropriations made by the Legislature for ordinary expenses and support of said department, in order to pay for printing and binding fifteen hundred copies of the fire and marine insurance report, and two thousand copies of the life and casualty report for eighteen hundred and seventy-three, bound separately, and six thousand copies of said reports bound in one volume, which had been ordered by the Legislature for its own use, by resolution passed May twenty-nine, eighteen hundred and seventy-three.

The said amount shall be refunded to the treasury by the several insurance companies, associations, persons, and agents in this State, pursuant to chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine.

Bank de-
partment.

For the Bank Department, five thousand dollars, to pay the expenses of regular examinations of savings banks, the same to be refunded to the treasury by the savings banks, in pursuance of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five.

James W.
Gerard,
expenses
contesting
seat as
senator.

For James W. Gerard, for legal expenses incurred by him in the matter of the contested election for senator for the seventh senatorial district of this State, the sum of five hundred and fifty dollars.

John C.
Jacobs,
expenses
contesting
seat as
senator.

For John C. Jacobs, for legal and other expenses incurred by him in the matter of the contested election for senator for the third senatorial district of this State, the sum of three thousand nine hundred and seventy-five dollars.

Delhi law
library.

For the purpose of establishing a law library, to be located at Delhi, Delaware county, for the use of the Supreme Court, the sum of two thousand dollars, to be expended in the purchase of books, under the direction and supervision of the Justice of the Supreme Court residing at that place; the warrant of the Comptroller shall not, however, be issued for the above mentioned sum until an equal amount shall be raised either by private subscription or by resolution of the board of supervisors of Delaware county, for the same purpose; the certificate of said Justice of the Supreme Court of the fact shall be evidence to the Comptroller that the said sum has been raised.

Utica law
library.

For the purpose of establishing a law library, to be located at Utica, Oneida county, for the use of the Supreme Court, the sum of two thousand dollars, to be expended in the purchase of books, under the direction and supervision of the Justice of the Supreme Court residing in said city. The warrant of the Comptroller shall not, however, be issued for the above mentioned sum, until an equal amount shall be raised, either by private subscription, or by resolution of the board of supervisors of Oneida county, for the same purpose. The certificate of said Justice of the Supreme Court of the fact shall be evidence to the Comptroller that the sum has been raised.

Law libra-
ries and
library at
Kingston.

For the law libraries of the several judicial districts of the State, five hundred dollars each, and for that at Kingston, the further sum of two thousand dollars.

For the Commissioners of fisheries, to be expended as they may deem proper, upon vouchers to be approved by the Comptroller, for the purpose of replenishing the lakes and rivers of this State with fish, the sum of fifteen thousand dollars.

Commis-
sioners of
fisheries.

For the State Centennial Board appointed in pursuance of chapter five hundred and twenty-five of the laws of eighteen hundred and seventy-five, the sum of eight thousand dollars, or so much thereof as may be necessary, to be expended by said board in providing for the exhibition of the products of the dairymen's association of this State, under the direction of the executive committee of said association at the national centennial exposition at Philadelphia, and for the expenses attending the same; but no part of said sum shall be paid for the personal expenses or services of said executive committee.

State Cen-
tennial
Board.

For Verplank Colvin, to complete the topographical survey and exploration of the Adirondack wilderness, the sum of four thousand two hundred and fifty dollars.

Verplank
Colvin,
for Adi-
rondack
survey.

For the institution of the blind, at Batavia, for repairs and improvements to grounds, ten thousand dollars.

Institu-
tion for
blind, Ba-
tavia.

For the State normal school at Albany, for repairs, for renewal of furniture and for extension of chemical and philosophical apparatus, five thousand five hundred dollars.

State
normal
school,
Albany.

For the State normal school at Potsdam, for enlarging the normal hall and making other alterations and repairs, for excavation, for heating apparatus, and for additional furniture and fixtures, the sum of seventeen thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Superintendent of Public Instruction.

State
normal
school,
Potsdam.

For the State normal school at Geneseo, for work and materials to complete the new building, for furniture, steam-heating apparatus, plumbing, gasfitting, cisterns, water-pipes, grading grounds, and alterations in the old building, ten thousand dollars.

State
normal
school,
Geneseo.

For the State homœopathic asylum for the insane, at Middletown, for grading and improving grounds around new building, for the erection of farm buildings, for farm fences and fences around buildings, for grading and connecting roadway with the highway to Middletown, for completing the corridor to connect the two buildings, for building a dead-house, for library, for additional steam-heating in the administrative building, for laying main gas pipe connecting asylum buildings with the gas works of the village of Middletown, for railroad switch and additional coal bins, for meat and butter store house and refrigerator, and for maintenance (including medical supplies), thirty-one thousand one hundred dollars; for balance due ventilating architect, one thousand dollars; for balance due Carl Pfeiffer, general architect, four thousand dollars, which sum is in full for all services; for extra and additional work on pavilion building, five thousand dollars; for salaries of officers and employes for present fiscal year, seven thousand five hundred dollars; and for the salary of the superintending builder, until May second, eighteen hundred and seventy-six, the sum of two thousand two hundred and fifty dollars. The salary of said superintending builder, from and after May second, eighteen hundred and seventy-six, is hereby fixed at two thousand dollars per year. The office of the superintending builder for said asylum shall terminate, and the salary thereof shall cease, upon the expiration of one year from the date of the passage of this act.

Middle-
town hom-
œopathic
asylum for
insane.

For the Willard asylum for the insane, for the erection of a new barn and for removing and repairing the old barn, for enlarging laun-

Willard
asylum or
insane.

dry and boiler house, and for equipping laundry, for carpenter, paint, and work-shop and equipment, for equipping machine shop, for coal-house, hoisting apparatus, tramway and car, for roads, fences, grading, draining and stock on farm, for cement for grouting basement, for oak floor in kitchen, for kettles for making soap and for iron tank for soap, thirty thousand dollars; and for the erection of a new group of detached buildings, similar to those already erected, seventy thousand dollars, and the salary of the superintending builder of said asylum is hereby fixed at two thousand dollars.

Susan
Green
and Mark
Jack.

For the support of Susan Green, an insane Indian woman, at the asylum, two hundred and fifty dollars; and for the support of Mark Jack, an insane Indian, at the asylum, two hundred and fifty dollars.

New York
State
lunatic
asylum,
Utica.

For the New York State lunatic asylum at Utica, to refund amount advanced from the current funds for taking down iron fence about capitol park at Albany and furnishing stone foundations for re-erection of the same on asylum grounds, one thousand six hundred and ninety-three dollars and seventy-four cents; for painting iron fence and putting locks on gates, one hundred and seventy-six dollars and ninety-one cents; for renewal of fencing on York street and farm fences, two thousand dollars; and for alterations and repairs of buildings and floors, twenty-one thousand nine hundred and thirty-nine dollars and twenty-three cents.

Syracuse
asylum
for idiots.

For the State asylum for idiots, at Syracuse, for the construction of an additional building for the accommodation of seventy pupils, for remodeling and enlarging the laundry, and for the erection of workshops, thirty-five thousand dollars.

Bingham-
ton inebri-
ate asy-
lum.

For the State inebriate asylum, at Binghamton, for constructing a work-shop in one of the unfinished buildings of the asylum; for constructing a cistern, and for repairing and cleaning the pipes leading from the springs now supplying the asylum with water, six thousand dollars.

Hudson
River
State hos-
pital for
insane.

For the Hudson river State hospital for the insane, for building a drying room for laundry, two thousand five hundred dollars; for flooring laundry, five hundred dollars; for building fence to enclose airing court, five hundred dollars; and for pipes and other materials for the introduction of gas, and the other expenses attending the same, four thousand five hundred dollars; for the salaries of officers in addition to the sum of eight thousand dollars already appropriated, fifteen hundred dollars; for payment of balance due to Collingwood, Millard and Company, on lumber purchased prior to June eighth, eighteen hundred and seventy-three, one thousand six hundred and twenty-seven dollars and seven cents, and for the erection of the main central building, seventy-five thousand dollars.

The balance remaining unexpended of the appropriation of one hundred and forty thousand dollars, made for said hospital in chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-four, being the sum of fifty-four thousand dollars, is hereby reappropriated to be expended as follows: for the erection and completion of the south section of the central group of rooms, extending from the fourth section to the fan house, and for the construction of air ducts for the same, twenty thousand dollars; for building fence around exercise yard, three thousand dollars; for the erection of the kitchen block, twenty-six thousand dollars; and for vegetable cellar and loft, five thousand dollars.

The balance remaining unexpended of the appropriation of two hundred thousand dollars, made for said hospital in chapter seven

hundred and sixty of the laws of eighteen hundred and seventy-three, being the sum of twelve thousand six hundred and twenty-eight dollars and eighty-five cents, is hereby reappropriated for the same purposes.

For the Elmira reformatory, for furnishing the cells and rooms thereof, twenty thousand dollars; for purchasing material for construction of shops, buildings and enclosure for same, fifty thousand dollars, or so much thereof as may be necessary; for the payment of the salaries of the officers and for the maintenance of the inmates of said reformatory, thirty thousand dollars, or so much thereof as may be necessary; and for fuel, light, employed labor and other necessary purposes, ten thousand dollars, or so much thereof as may be necessary. The above appropriations to be expended as the Legislature shall direct for the organization and maintenance of the reformatory for criminal offenders of a minor grade, under the direction of Louis D. Pilsbury, Sinclair Tousey, William C. Way, Rufus H. King and Ariel S. Thurston.

Elmira
reforma-
tory.

For the Buffalo State asylum for the insane, to complete the administration building and wards A and B, and to carry up the walls of wards C, D and E to the roof, and roofing, in addition to the amount in the Treasury for such purpose, the sum of one hundred and twenty thousand dollars; and the managers of said asylum are hereby authorized to employ labor and purchase materials to an amount not exceeding one thousand dollars, in any case where the specific work or material cannot, in their judgment, be advantageously let or obtained by contract, as provided in chapter two hundred and sixty-four of the laws of eighteen hundred and seventy-five.

Buffalo
State asy-
lum for
insane.

For the society for the reformation of juvenile delinquents, on Randall's Island, for deficiency in appropriations therefor, for support and maintenance, the sum of twenty-six thousand and six hundred dollars.

Randall's
Island so-
ciety for
reforma-
tion of ju-
venile de-
linquents.

For the house of refuge for western New York, for extension of sewer; for wall to enclose ground for female department; for flag walks and grading lot and for furnishing female department, school rooms, laundry, hospitals, reception room and chapel, and for sewing machines, twenty-five thousand dollars; and for the support of the female department, from July first to December thirty-first, eighteen hundred and seventy-six, five thousand dollars.

Western
house of
refuge,
Roches-
ter.

For the central New York institution for deaf mutes, at Rome, for the support and instruction of seven pupils from February fourth, eighteen hundred and seventy-six, and three pupils from March seventeenth, one from April first and one from May first, eighteen hundred and seventy-six, to the end of the present fiscal year, in addition to the number provided for in the annual appropriation bill of eighteen hundred and seventy-five, the sum of two thousand one hundred and twenty dollars and eighty-one cents.

Rome in-
stitution
for deaf
mutes.

For the Clinton State prison, for completion of the shaft to ore bed, five thousand dollars; the work to be let to such party as will contract to complete it for the sum herein appropriated and the aid of a specified amount of convict labor; for maintaining plank-roads belonging to the State, two thousand dollars; for new rolls in rolling mill, fifteen hundred dollars; for library, three hundred dollars; for repairing and improving saw mills, one thousand dollars; and for heating apparatus, thirty-five hundred dollars, or so much thereof as may be necessary.

Clinton
State pris-
on.

For the Auburn State prison, for library, five hundred dollars; for new laundry, fifteen hundred dollars; for materials for ice house and refrigerator, one thousand dollars; for roofing, one thousand dollars;

Auburn
State pris-
on.

Theodore
J. Searls,
assisting
chaplain
Auburn
prison.
Sing Sing
prison.

for brick and other materials for new water-closets and sewers, fifteen hundred dollars; and for painting and repairs, one thousand dollars.

For Theodore J. Searls, for services in assisting the chaplain of, and mail messenger for, the State prison at Auburn, the sum of ninety dollars and ninety-two cents, or so much thereof as may be necessary.

For the Sing Sing prison, for roof on foundry, one thousand dollars; for store house for staves, heading and hoops, two thousand dollars; for hoop tank, six hundred dollars; for truss hoops, rings and cutters, five hundred dollars; for store house for coal, one thousand dollars; for materials for enclosure for stock, one thousand dollars; for general repairs, one thousand dollars; for heater and pipes for boiler in cooper shop, four hundred dollars; and for library, five hundred dollars; and for the support of the quarry and lime works, to be paid from the money received from the income of works, seven thousand dollars per month; and all receipts from said quarry and lime works shall be reported monthly to the Comptroller, and the moneys derived therefrom shall be paid monthly into the Treasury of the State; and for shafting, pulleys and hangers for marble works, five hundred dollars; for belting, five hundred dollars; for hot water boilers, seven hundred dollars; for repairing steam engine, three hundred and fifty dollars; for car wheels and iron work for quarries, three hundred dollars; for fire brick and iron work for new lime kiln, two thousand dollars; for derricks for use of stone quarries, one thousand dollars; and for railroad iron for quarries, four hundred dollars.

State pris-
on inspec-
tor, ap-
pointed in
place of
M. K.
Platt, de-
ceased.

For deficiency in the appropriation for salary of the Inspector of State Prisons, appointed in place of M. K. Platt, deceased, to the close of the present fiscal year, two hundred and thirty-three dollars and thirty-three cents, or so much thereof as may be necessary.

Edward
Toole,
keeper
Auburn
prison.

For Edward Toole, as a gratuity for personal injuries received by him as a keeper in Auburn State prison from the criminal assault of convicts, while engaged in the discharge of his duties in quelling an outbreak in said prison, the sum of three thousand dollars.

Auburn
asylum
for insane
convicts.

For the asylum for insane convicts at Auburn, for tin roof on center building, six hundred dollars; for painting roofs, iron and wood work, three hundred dollars; for painting outer wall of asylum grounds, three hundred dollars; for outside connections with city water main, three hundred dollars; for four new fire hydrants and connections, three hundred and fifty dollars; for floor in fourth hall, two hundred dollars; for completing new building, three thousand dollars; for library, one hundred dollars; for stone flagging for boiler house, three hundred dollars; and for furnishing new building, five hundred dollars.

Auburn
asylum
for insane
convicts,
for defi-
ciency,
etc.

For the State asylum for insane convicts at Auburn, for deficiency in appropriation for maintenance to the close of the current fiscal year, fifteen thousand dollars, or so much thereof as may be necessary; and for construction account in eighteen hundred and seventy-four and eighteen hundred and seventy-five, on bills to be rendered to and approved by the Comptroller, two thousand seven hundred and three dollars and thirty-seven cents.

Hire of
discharg-
ed prison-
ers, etc.

For maintaining the system of guidance, employment and aid of discharged prisoners, as now established, the sum of five thousand dollars, to be expended in such manner as the Comptroller shall direct.

Bridges
on Onon-
daga In-
dian reser-

For building two small bridges over branches of the Onondaga creek, on the Onondaga Indian reservation, and their necessary culverts and sluices, and for grading and graveling the approaches thereto, and the road leading across the same on what is called the William

Hill road, the sum of two thousand dollars, or so much thereof as may be necessary, to be expended under the supervision of Leonard P. Field, of the town and county of Onondaga, who is hereby appointed a commissioner for that purpose, who shall receive out of said sum three dollars per day for each full day occupied by him in and about the building of such bridges, culverts, sluices and such grading and graveling; but the total compensation of such commissioner shall not exceed the sum of one hundred dollars; and no part of the sum herein appropriated shall be paid over to said commissioner until he shall have executed a bond, to the People of the State of New York, to be approved by the Comptroller conditioned that he will faithfully discharge his duties as such commissioner, and truly account, under oath, to the Comptroller, for all moneys received by him for the purpose aforesaid; but no part of said sum shall be expended except upon a plan and estimate of said work which will complete it within the sum above appropriated, which plan shall be submitted to and approved by the Comptroller before the work is commenced.

For assisting in building a bridge over the Allegany river, on the Allegany Indian reservation, in the village of West Salamanca, which was authorized by act number five of the board of supervisors of the county of Cattaraugus, passed November twenty-sixth, eighteen hundred and seventy-five, the sum of three thousand dollars, to be expended under the supervision of Henry O. Wait, John Nelson, William P. Crawford, Hudson Ansley and John Hill, who are, by said act number five, appointed commissioners to let the contract for the construction of said bridge; but no part of the sum herein appropriated shall be paid over to said commissioners until they shall have executed a bond to the People of this State, to be approved by the Comptroller, for the faithful execution of this trust; nor shall any part of said sum be expended, except upon a plan and estimate of said work, which shall be submitted to and approved by the Comptroller, who, before giving such approval, shall become satisfied that such bridge can be built for the sums appropriated for the same.

Bridge on Allegany Indian reservation.

For the county of Cayuga, to reimburse it for expenses paid for the two trials of Michael Donohue, indicted for the murder of a convict in Auburn prison, in eighteen hundred and seventy-three; for the trial Eagan, Clifford, Coughlin and Hardy, indicted for an assault with a deadly weapon upon a keeper in said prison, in eighteen hundred and seventy-four; and for the trial of Edwin Thomas, indicted for the murder of a convict in said prison, in eighteen hundred and seventy-five, the sum of five thousand dollars, or so much thereof as may be necessary.

Cayuga county, to reimburse for expenses of trial of convicts indicted for murder.

For the county of Essex the sum of one thousand four hundred and seventeen dollars and sixty-nine cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-eight, chapter eight hundred and fifty-seven of the laws of eighteen hundred and sixty-nine chapter seven hundred and four of the laws of eighteen hundred and seventy, and chapter eight hundred and sixty-nine of the laws of eighteen hundred and seventy-one, but which it is claimed has not been drawn; which sum is hereby reappropriated and shall be allowed to said county in liquidation and payment of so much of any indebtedness of said county to the State, if, upon investigation, the Comptroller shall ascertain that the same is due said county and unpaid.

Essex county.

Crown
Point, to
replace
books de-
stroyed.

For supplying the town of Crown Point, in the county of Essex, with the Revised Statutes and other books to replace those destroyed by fire during the past year, fifty dollars, or so much thereof as may be necessary.

Newfield,
to replace
books de-
stroyed.

For supplying the town of Newfield, in the county of Tompkins, with the Revised Statutes and other books, to replace those destroyed by fire, fifty dollars, or so much thereof as may be necessary.

For Wheeler H. Bristol, late State Treasurer, to pay an award made pursuant to chapter two hundred and ninety-nine of the laws of eighteen hundred and seventy-five, by a board of audit therein appointed, the sum of nine thousand one hundred and fifty-nine dollars.

Cayuga
inlet, for
dredging.

For removing the bars and dredging the channel of Cayuga inlet, to be under the direction of the Canal Commissioner in charge of the middle division of the State canals, the sum of five thousand dollars, or so much thereof as may be necessary; which work shall be let by contract to the lowest bidder, as now required by law for the advertising and letting of public works.

Payment
of canal
certifi-
cates.

For the payment of canal certificates, given by the Canal Commissioner of the middle division of the canals, in eighteen hundred and seventy-five, to Howard Soule, Jr., addressed to the Auditor of the Canal Department, for work done and materials furnished, in constructing swing and foot bridges over the Erie canal at Salina street in the city of Syracuse, and the approaches thereto, which was authorized by chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-four, the sum of sixteen thousand three hundred dollars, or so much thereof as may be necessary.

Refund-
ing mon-
ey to con-
tractors,
lost by
failure of
banks.

The sum of twenty-two thousand eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated to refund to the contractors the amounts deposited by them, in trust, with the late Treasurer, in pursuance of acts chapter eight hundred and fifty of the laws of eighteen hundred and seventy-two, and chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy-three, with such equitable interest as may be due thereon, which deposits were loaned by said Treasurer to the Farmers' and Mechanics' Bank of Rochester, and the Bank of Brockport; and are now unavailable in consequence of the failure of said banks. The aforesaid appropriation shall be paid to the contractors on the warrant of the Comptroller, upon the Treasurer certifying the amount to which such contractors are severally entitled.

Syracuse
salt works.

For the construction of a new water-wheel at the Syracuse pump-house, the sum of four thousand dollars; for engine-house and coal-house for Syracuse group of wells, the sum of twelve hundred dollars; for new shafting and gearing for driving new wells, the sum of two thousand and seven hundred and thirty-one dollars; for conduits leading from new wells to pump-house, the sum of one thousand five hundred dollars; for forty-six salt covers, removed to make room for new wells and to be paid for at cost to owners, the sum of two thousand three hundred dollars; for one new sand chest and salt tank at Syracuse pump-house, the sum of one thousand dollars.

Argus
Company.

For the Argus Company, for blank books—being records of inmates in poor-houses, alms-houses and asylums, to carry out provisions of chapter one hundred and forty of the laws of eighteen hundred and seventy-five, as follows: Eighteen, of four hundred and eighty pages each, for counties; and the following, of six hundred pages each: forty-six for counties, two for towns, five for Kings county alms-

house; two for Albany city alms-house; four for city alms-houses; five for New York city alms-houses, and one for New York city idiot asylum; and for the following blanks, being records of like inmates; one hundred and seven thousand seven hundred and twenty for county poor-houses; three thousand six hundred for town poor-houses; nine thousand for Kings county alms-house; three thousand six hundred for Albany city alms-house; seven thousand two hundred for city alms-houses; nine thousand for New York city alms-houses, and one thousand eight hundred for New York city idiot asylum, published under the supervision of the board of charities; and for boxing, wrapping and packing the same, the sum of one thousand nine hundred and ninety-two dollars and fifty-two cents.

For Weed, Parsons and Company, for printing and binding, for the Department of Public Instruction, thirteen thousand five hundred school registers, five thousand four hundred dollars; for printing four thousand copies of Senate document number twelve of eighteen hundred and seventy-three, being the first annual report of the Commissioners of State Parks, per resolution of Assembly, passed January twenty-one, eighteen hundred and seventy-four, one hundred and twelve dollars; for binding, in half Turkey, for the Department of Public Instruction, five hundred copies of the annual report of the Superintendent for eighteen hundred and seventy-four, three hundred dollars; for printing and binding, in cloth, five hundred copies of the proceedings of the University Convocation of eighteen hundred and seventy-four, and five hundred copies of the proceedings of eighteen hundred and seventy-five, for the Regents of the University, pursuant to resolution of February twelve, eighteen hundred and seventy-five, one thousand three hundred and seventy dollars and forty cents; for printing blanks for the State Assessors, sixty-two dollars and twenty-five cents; for balance due for printing and lithographing for the twenty-third and twenty-fourth report on the State Museum of Natural History, to be paid on the certificate of the curator, three thousand five hundred and eighty-four dollars; for printing and binding five hundred copies of index to session laws, from eighteen hundred and fifty eight to eighteen hundred and sixty-five, and five hundred copies of index to session laws from eighteen hundred and seventy-one to eighteen hundred and seventy-five, both inclusive, pursuant to resolution of the Senate passed January twenty-sixth, eighteen hundred and seventy-five, two thousand four hundred dollars, or so much thereof as may be necessary, to be paid on the certificate of the Clerk of the Senate; for sixty-three legislative manuals of eighteen hundred and seventy-four, for members, officers and reporters of the Senate, pursuant to resolution of the Senate, passed January twentieth, eighteen hundred and seventy-five, sixty-three dollars; for two hundred and ninety civil lists of eighteen hundred and seventy-four, furnished the Legislature pursuant to concurrent resolution, passed April twenty-ninth, eighteen hundred and seventy-four, five hundred and eighty dollars; for printing for the Commissioners to Revise the Statutes, to be paid on the certificate of the chairman of the commission, as the work progresses, six thousand dollars; for printing report and testimony, for the joint committee of the Senate and Assembly relative to canal investigation, one thousand five hundred and two dollars and thirty cents; for printing and binding for the State Museum of Natural History, to be paid on the certificate of the curator, six hundred and forty-one dollars and fifty-seven cents; for printing testimony for the committee of investigation into the

Weed,
Parsons
& Co.

affairs of the commission of emigration and quarantine, one thousand one hundred and fifty-one dollars and eighty cents; for printing for the committee of the Senate appointed to investigate various departments of the government of New York city, one thousand six hundred and nineteen dollars and thirty cents; for printing for the Senate committee on privileges and elections, in the case of Cavanagh against Jacobs, two hundred and forty-five dollars; for fifteen copies of the report and testimony in the New Capitol investigation, for the Senate and Assembly libraries, bound in full law calf, pursuant to resolution of Assembly passed March third, eighteen hundred and seventy-six, thirty dollars; and for printing Legislative proceedings for the Legislature of eighteen hundred and seventy-six, from the fourth day of January to the eighth day of February, both inclusive, to include the ordinary number of eight hundred copies, and all extra orders of the documents placed in their hands to be printed, including also all binding, lithographing and illustrations attending the same, the sum of forty-five thousand dollars, to be certified by the clerks of the two houses respectively, and to be paid on the audit of the Comptroller, the above sum shall also include the lithographing accompanying the report of the American geographical society of New York, made in eighteen hundred and seventy-four.

State survey.

For making an accurate trigonometric and topographical survey of the State for the determination of State and county lines the sum of twenty thousand dollars, to be paid to the parties entitled to receive the same, upon the audit of the board hereinafter created, as attested by the requisition of the president and clerk thereof as hereinafter provided. William A. Wheeler, Horatio Seymour, John V. L. Pruyn, Robert S. Hale, Frederick L. Olmstead, William Dorsheimer and Francis A. Stout are hereby appointed commissioners to conduct the same, to be known as the Board of Commissioners of the State Survey, to hold office for a term of one year, and to serve as such without compensation, but such commissioners may be reimbursed for their expenses necessarily incurred in the discharge of their duties to an amount not exceeding the sum of three hundred dollars each. The said board shall select one of their number as president thereof, and may employ a clerk, and shall on or before the fifteenth day of next January, make to the Legislature a report of their proceedings during the year and a detailed statement of their expenditures.

The said commissioners shall, in the discharge of their duty, so far as the same is practicable, cause to be established certain points and lines, for the guidance of local surveyors, and at least one such point and line in each county connecting the same with the triangulation of the United States coast survey, now established and fixed by permanent monuments, from Fire Island to the Canada line, and with the boundary survey of the line between this State and Canada.

Monument to David Williams.

For erecting a suitable monument in the cemetery grounds of the Revolutionary stone fort at Schoharie Court House, to commemorate the virtues and memory of David Williams, one of the captors of Major Andre, the sum of two thousand dollars, to be expended under the supervision of Daniel Knower, Ralph Brewster, supervisor of the town of Schoharie, and Charles Holmes, county judge of Schoharie county, who are hereby appointed a commission for that purpose, and who are hereby authorized to remove the remains of the said David Williams from their present burial in the cemetery at Rensselaerville, to such cemetery at Schoharie Court House, upon first obtaining the consent thereto, in writing, of a majority of the descendants of said Williams,

and upon furnishing proof thereof to the Comptroller; but in case such consent in writing for said removal shall not be obtained, and proof thereof furnished the Comptroller within two months from the passage of this act, then the above appropriation shall be expended by a commission consisting of the Comptroller of the State, Erastus D. Palmer and the president of the Rensselaerville Cemetery Association, for the erection of such monument in the Rensselaerville cemetery.

For the board of commissioners of quarantine, for the care and maintenance of the quarantine establishment, the sum of ten thousand dollars or so much thereof as may be necessary, to be expended for repairs, for clerk and superintendent hire and office rent. All other expenses of the quarantine establishment, incurred by the health officer, including the running and repairs of the steamboats and mooring hospital ships, but excepting the salaries of the commissioners of quarantine, shall be borne and paid by such health officer. Commissioners of quarantine.

The health officer shall appoint at least four policemen, whose services shall be paid for by him, and may dismiss them or either of them at pleasure, and appoint others in their places. Such policemen shall perform patrol and police duty, under the direction of the health officer, in connection with the quarantine establishment and upon the waters of the bay of New York; and they shall possess all the powers possessed by policemen in the cities of New York and Brooklyn; and any person arrested by either of said policemen for violating any law or regulation relating to quarantine, in said port, may be taken by him before any court of criminal jurisdiction, or any magistrate or police justice within the county of Richmond, and thereupon the court, magistrate or police justice, before whom such offender shall be brought, shall have jurisdiction to hear, try and punish the offender for the offense committed by him in the same manner and with the like effect as if the same had been committed within the limits over which such court, magistrate or police justice has jurisdiction to punish for offenses under existing laws.

There shall be imposed, for the fiscal year commencing on the first day of October, eighteen hundred and seventy-six, in addition to any other tax levy, a tax of eight hundred thousand dollars on the real and personal property taxable in this State, to be assessed, levied and collected upon and by the annual assessment and collection of taxes for the year eighteen hundred and seventy-six, in the manner prescribed by law, to be paid by the county treasurers into the treasury of the State, to the credit of the fund for the construction of the New Capitol, which sum is hereby appropriated to continue the work on the New Capitol building, which shall be paid by the Treasurer, upon the warrant of the Comptroller, to the New Capitol Commissioners as the same shall be from time to time required for materials and labor used or employed, or that may be used and employed in the building of said New Capitol. New capitol.

The Commissioners are hereby directed to report to the Legislature at the opening of its next session, full detailed plans and specifications for the completion of the whole work by contract or contracts. They are also required to secure by advertisement, estimates or bids for the construction of the work, the furnishing of materials therefor, from responsible parties; which estimates or bids shall be accompanied by such securities as the said Commissioners shall deem to be necessary in order to guarantee the faithful performance of any contract or contracts that may be made. All such estimates or bids shall also be embraced in the report to be made to the Legislature as above required.

Whenever there is a deficiency in the Treasury of moneys applicable

to the payment of the appropriation for the New Capitol, the Comptroller is hereby authorized and required to borrow, from time to time, such sums as the said Commissioners may require, and the money borrowed, together with the interest thereon, shall be repaid from the moneys received from taxes levied to meet this appropriation.

The New Capitol Commissioners shall cause the work on the New Capitol building to be progressed with such diligence as shall insure its readiness for full occupancy by the first day of January, eighteen hundred and seventy-nine, and if practicable, to complete and render tenantable some portion thereof at an earlier date.

The general plan for the exterior of the New Capitol according to which the building has thus far been constructed having been adopted with the approval of the Commissioners of the Land Office and the Governor, in pursuance of law, the same shall not be changed or modified, except upon like approval of the Governor and a majority of the Commissioners of the Land Office.

The Superintendent of the New Capitol is hereby authorized and directed to audit or settle any outstanding obligations for rent, labor or materials done or furnished by order of the board of New Capitol Commissioners heretofore existing, subject to the concurrent approval in writing of the Commissioners of the New Capitol, and in such audit and settlement, any claims, overpayment or equitable offsets the State may have to any such obligations shall be deducted therefrom, and the amounts allowed and approved by the Commissioners as aforesaid, shall be paid by the Comptroller out of this appropriation, with such interest as shall be allowed and approved by said Commissioners aforesaid.

PAYABLE FROM THE BOUNTY DEBT SINKING FUND.

Bounty
debt.

For the payment of the principal and interest of the State bounty debts reimbursable April seventh, eighteen hundred and seventy-seven, eight million dollars, or so much thereof as may be necessary.

PAYABLE FROM THE FREE SCHOOL FUND.

Free
schools.

For the national Commercial bank of Albany, for interest on over drafts on the free school fund, from July first, eighteen hundred and seventy-two, up to January first, eighteen hundred and seventy-six, the sum of three thousand nine hundred and seventy-three dollars and twenty-five cents; and for over drafts on said fund from January first to October first, eighteen hundred and seventy-six, the sum of four hundred dollars, or so much thereof as may be necessary.

PAYABLE FROM THE LONG ISLAND RAILROAD COMPANY SINKING FUND.

Long
Island
railroad
company.

For the redemption of the State stock issued to the Long Island railroad company, in pursuance of chapter one hundred and ninety-three of the laws of eighteen hundred and forty, reimbursable August first, eighteen hundred and seventy-six, sixty-eight thousand dollars; and for premium on coin to pay said debt eleven thousand dollars, or so much thereof as may be necessary. No money hereby appropriated for payment of printing bills shall be paid until the items of each bill shall have been presented to the Comptroller, and unless the work shall have been pursuant to some proper and legal authority, and if the work is not included within a contract, it shall be paid for only at prices usually paid by the State for similar work.

§ 2. This act shall take effect immediately.

Chap. 194.

AN ACT to release to John J. Cooke, otherwise called Eli Plank, and Mary Eliza Castle, both of the city of Albany, county of Albany, and State of New York, the title and interest of the People of the State of New York in the real and personal estate of which John Cooke, late of the city of Albany, died seized.

Passed May 2, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest which the People of the State of New York have acquired by escheat in the real estate in the city of Albany, county of Albany, and State of New York, and also in the personal property whereof John Cooke, late of the said city of Albany, died seized and possessed of, is hereby released and quitclaimed to John J. Cooke, otherwise called Eli Plank, the adopted son of said John Cooke, and to Mary Eliza Castle, the niece of said John Cooke's first wife, their heirs and assigns forever, in the following proportions, namely: three-fourths of said real and personal estate to said John J. Cooke and one-quarter thereof to said Mary Eliza Castle unless the said John J. Cooke, shall, within six months after the passage of this act, pay to the said Mary Eliza Castle the sum of fifteen hundred dollars, and upon such payment within the time aforesaid, all the right, title and interest of the People of the State of New York in said real and personal estate shall vest solely in said John J. Cooke.

Interest of State released.

Conditions of release.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in said real and personal property of any heir at law, devisee, purchaser or creditor, by judgment, mortgage or otherwise.

Rights not affected.

§ 3. This act shall take effect immediately.

Chap. 195.

AN ACT to authorize the "Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church" to convey certain property.

Passed May 2, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The "Chautauqua Lake Camp Meeting Association of the Erie Conference of the Methodist Episcopal Church" is hereby authorized to transfer and convey in fee simple, for the nominal sum of one dollar, unto the "Chautauqua Lake Sunday School Assembly," its successors and assigns, forever, all and singular, the property now owned and possessed by said association, situated in the county of Chautauqua.

§ 2. This act shall take effect immediately.

Chap. 196.

AN ACT to establish a local court of civil jurisdiction in the city of Rochester to be called the Municipal Court of the city of Rochester, and to amend the charter of said city.

Passed May 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Creation of court.	SECTION 1. A court of civil jurisdiction to be called and known as the "Municipal court of the city of Rochester," is hereby created and established in and for said city, with the jurisdiction and powers hereinafter provided. Immediately upon the passage of this act there shall be appointed by the Governor, by and with the advice and consent of the Senate, two judges of said court whose duties shall be to organize and hold said court in said city as hereinafter provided.
Governor to appoint judges.	
When to enter on duty.	§ 2. Said judges shall enter upon their duties on the first day of May, eighteen hundred and seventy-six; one of whom shall hold the office for the term of five years, and the other for the term of six years; the term of each judge to be designated by the Governor at the time of making such appointment. The judges appointed or elected, as provided in this act, shall take the oath of office provided by law before entering upon their duties, and file the same with the clerk of Monroe county.
Terms of office.	
Oath.	
When elected.	§ 3. At the annual charter election to be held in said city, next preceding the close of each of said terms, said office shall be filled by election, and the person so elected shall hold the office for the term of six years.
Vacancies.	§ 4. Whenever a vacancy shall occur in said office the same shall be filled by election at the next annual charter election held in said city, and the person so elected shall hold the office for the term of six years.
Exception.	Provided, however, that if such vacancy occurs more than sixty days next previous to such annual election, the same may be filled by the Governor, the appointee to hold the office until the first day of May next following such appointment.
Time of holding courts.	§ 5. It shall be the duty of each of said judges to hold a court in and for the said city of Rochester, to be called the "Municipal court of the city of Rochester," which court shall be open for business each day (Sundays and legal holidays excepted) at nine o'clock in the forenoon, and shall have jurisdiction in all civil actions and proceedings cognizable by law in the justices' court of said city and in the justices' courts of towns, except that in an action arising on contract for the recovery of money only said municipal court shall have jurisdiction when the sum claimed in the complaint does not exceed four hundred dollars.
Jurisdiction.	
Rules and practice.	The process, pleadings, trial, practice and proceedings, costs and disbursements, judgments by action and confession, and proceedings thereon in said municipal court shall be the same as are or shall be prescribed by law for justices' courts of towns, except as otherwise provided in this act. Appeals may be had from the judgments of said court to the county court in the same cases and upon the same terms as appeals are had by law from said justices' courts, and said county court shall have the same jurisdiction in regard to said appeals as in regard to appeals from the judgments of said justices' courts.
Appeals.	

§ 6. Process shall be made returnable before said court by its proper title, and need be signed only by the clerk or deputy clerk of said court. Either of said judges may hold said court, and may hear, try and determine any case or proceeding when there is no demand made for a jury; or preside at a trial by jury, but in cases or proceedings for bastardy, said judges shall associate together for the trial and determination of the same.

Process how returnable. Either judge may hold court. Except in cases of bastardy.

§ 7. In an action brought in this court, arising on contract for the recovery of money only, the plaintiff at the time of issuing the summons shall file with the clerk of said court a written complaint, setting forth in a plain and concise manner the facts, or items of account, constituting the cause of action, specifying the amount actually due from the defendant to the plaintiff, and that plaintiff will take judgment for the amount so claimed to be due unless the defendant appear and answer to said complaint at the time named in the summons for the return thereof, which complaint shall be subscribed by the plaintiff or his attorney, and shall be verified in the manner prescribed by section one hundred and fifty-seven of the Code of Procedure. Said summons and complaint shall be served at the same time on the defendant by delivering to and leaving with him personally a copy thereof.

Plaintiff to file complaint, etc.

Service of summons and complaint.

§ 8. In case the defendant appears and answers, such complaint and answer shall be in writing, and subscribed by the defendant or his attorney, and shall be verified as above provided for the verification of the complaint, and shall contain, first, a general or specific denial of each material allegation of the complaint, controverted by the defendant, or of any knowledge or information sufficient to form a belief. Second, a plain statement of any new matter constituting a defense or counterclaim. The summons and complaint herein provided for may be served by any person of full age, not a party to the action.

Answer.

Summons and complaint, service of.

§ 9. In case the defendant fails to answer the complaint as herein provided, he shall be deemed to have admitted the allegations of the complaint, and the court, upon the filing of the summons and complaint, with the proof of the due service thereof, shall forthwith enter judgment for the plaintiff for the amount demanded in the complaint, with costs and disbursements, without further proof. When the service of the said summons and complaint is made by any person other than a constable, proof of such service shall be made by affidavit, in which affidavit he shall state that such person is over twenty-one years of age, when and at what particular place, and in what manner he served the same, and that he knew the person mentioned and described in the summons as defendant therein, and that he delivered to and left with such defendant a copy thereof. When the service is made by a constable his certificate showing when and at what particular place, and in what manner he served the same, and that he knew the person mentioned and described in the summons as defendant therein, and that he delivered to and left with such defendant a copy thereof, shall be sufficient proof of the service of such summons and complaint. Every pleading shall be subscribed by the party or his attorney, if by attorney, such attorney shall have been admitted to practice in the Supreme Court of this State.

Failure to answer.

Proof of service.

Pleading, subscribing of.

§ 10. The judges of said court shall have the power to punish for contempt, to the same extent as justices of justices' courts, in towns.

§ 11. Either of said judges may issue a criminal warrant upon due complaint, for the arrest of any person charged with crime committed within the county of Monroe, but such warrant must be signed by the judge hearing the complaint, and made returnable before the justice

Issuing of criminal warrants.

of the police court of said city. Said judges, or either of them, may command the services of any constable of said city to enforce the authority of said court and to maintain the peace.

Clerk and deputy.

Oath of office.

Bail.

Docket.

To be evidence.

Clerks may take oath, etc.

Clerk to charge fees.

To verify account.

Judges' salary.

Clerks' salary.

Provision for holding courts.

Office of justice of the peace abolished.

§ 12. Said court shall have a clerk and one deputy clerk to be appointed by the said judges, such appointment to be in writing and filed with the clerk of Monroe county; said clerk and deputy clerk shall take the usual oath of office and file the same with said county clerk, and shall each give bail for the faithful performance of his duties in such form, for such sum, and with such sureties as shall be approved by said judges, and file the same with the treasurer of said city. It shall be the duty of said clerk and deputy clerk to keep in the docket of said court, a complete and accurate record of all process issued and returned to said court, and of all the proceedings in any action or proceeding brought in said court, and to enter therein the judgments and decisions of said court, and said docket shall be evidence in the courts of this State the same as the docket of a justice's court, and said clerk and deputy clerk shall have power to take oaths and acknowledgments the same as a justice of the peace.

§ 13. In all actions and proceedings brought in this court the clerk or deputy clerk shall demand and receive prepayment of all such fees for process, making out and filing bonds, undertakings, affidavits and other papers, as are allowed by law to justices in justices' courts, and said clerk or said deputy shall keep an accurate minute of the same in each case or proceeding upon the docket of said court at the time of receiving the same, and at the end of each month shall deposit the amount thereof with the treasurer of said city, together with a detailed statement of the items thereof, which statement shall be verified by said clerk or deputy clerk, to be true and correct, and to embrace all the moneys paid into said court, or received by said clerk, or by said deputy, during the period covered by said statement.

§ 14. Said judges shall each be paid in quarterly payments an annual salary of eighteen hundred dollars, and shall receive to his own use no fees or other compensation for services as judge of said court, said clerk and deputy clerk shall each be paid in quarterly payments an annual salary of six hundred dollars, and shall receive no other compensation for services as clerk or deputy clerk of said court.

§ 15. The common council of said city, immediately on the passage of this act, shall designate the place for the holding of said court, and provide suitable rooms and furniture, and necessary blank books, blanks and stationery for the use of said court, and shall provide for the payment of the said salaries of the said judges and the said clerk and deputy clerk.

§ 16. From and after the passage of this act no person shall be elected to the office of the justice of the peace in the said city of Rochester, and all acts and parts of acts inconsistent with this act, and all provisions of the charter of the city of Rochester in relation to a justice's court in said city, inconsistent with this act, are hereby repealed.

§ 17. This act shall take effect immediately.

Chap. 197.

AN ACT to amend chapter one hundred and sixty of the laws of eighteen hundred and seventy-six, entitled "An act to provide for a commission to investigate the affairs of the State prisons of the* State, and the State reformatory at Elmira, and to prescribe the manner of such investigation."

" Passed May 2, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section sixteen of chapter one hundred and sixty of the laws of eighteen hundred and seventy-six, entitled "An act to provide for a commission to investigate the affairs of the State prisons of this State, and the State reformatory at Elmira, and to prescribe the manner of such investigation," is hereby amended so as to read as follows:

§ 16. The said commission are hereby authorized and empowered to continue the investigation herein provided for, until the thirty-first day of December, eighteen hundred and seventy-six, and no longer, and the said commission shall report to the Governor, on or before the first day of October next, the testimony taken up to that date, together with such recommendations in respect to the same as they shall deem advisable, and a final report, which shall include all of the testimony taken, together with their recommendations based upon the same, shall, at the close of such investigation, be submitted to the Governor, and also to the Legislature at the opening of its next session. They shall also file a copy of all the evidence taken under the provisions of this act in the office of the Attorney-General.

Time for
investiga-
tion ex-
tended.

Report to
Governor.

Final
report.

Evidence
filed with
Attorney-
General.

Chap. 198.

AN Act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

Passed May 3, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighteen of an act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, is hereby amended so as to read as follows:

§ 18. A certified copy of the order so to be made as aforesaid shall be recorded at full length in the clerk's office of the county in which the land described in it is situated, and thereupon and on the payment or deposit by the company, of the sums to be paid as compensation for the land, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, with interest from the date thereof, the com-

Order of
court to be
recorded.

Payment
of awards.

* So in the original.

Case of
neglect.

Excep-
tion.

Real es-
tate ac-
quired
deemed
taken for
public use.

Appeals.

Hearing
of.

Second
report
conclu-
sive.

Compens-
ation, a
lien.

Where
dimin-
ished.

Posses-
sion not
affected
by appeal.

Proceed-
ing for
taking
parts of
streets.

pany shall be entitled to enter upon, take possession of and use the said land for the purposes of its corporation, during the continuance of its corporate existence, by virtue of this or any other act; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate during the corporate existence of the company as aforesaid. If the company shall neglect to have such order recorded and to make the payment or deposit as herein provided, for the period of ten days after the date of such order, any party to such proceedings and interested therein may, at his election, cause a certified copy of the said order to be recorded as aforesaid, and thereupon the moneys therein directed to be paid with interest thereon from the date of said order, shall be a debt against the company, and the same shall be a lien on such real estate, and may be enforced and collected by action at law or in equity in the Supreme Court with costs. Except nevertheless, the company may abandon such proceedings by filing within thirty days, after notice in writing, of such recorded order, in the office of such clerk, a notice of its determination to do so, and paying the reasonable costs and expenses of such party to be ascertained and adjusted, on motion by the court, making such order. But, in case of such abandonment, the company shall not renew proceedings to acquire title to such lands without a tender or deposit in court of the amount of said award and the interest thereon. All real estate acquired by any company under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the seventeenth section of this act, either party may appeal, by notice in writing to the other, to the Supreme Court, from the appraisal and report of the commissioners. Such appeal shall be heard by the Supreme Court at any general or special term thereof, on such notice thereof being given according to the rules and practice of said court. On the hearing of such appeal the court may direct a new appraisal, before the same or new commissioners in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be paid by the company is increased by the second report the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished the difference shall be refunded to the company by the party to whom the same may have been paid, and judgment therefor may be rendered by the court on the filing of the second report, against the party liable to pay the same. Such appeal shall not affect the possession by such company of the land appraised, and when the same is made by others than the company, it shall not be heard, except on a stipulation of the party appealing not to disturb such possession.

§ 2. Whenever any land required by a railroad company for the purposes of its road, is contained in, or forms a part of any street or avenue in any city or village in which the owners of adjoining lands on the line of such street or avenue claim a right of property or the fee thereof, in such case the notice to be given of the application for the appointment of commissioners under the special proceedings under the act to acquire title to such land as well as the notice of hearing before such commissioners shall be served by the publication of the said notice twice each week, for three weeks, in at least two news-

papers published in the county in which such city or village is located, to be designated by the court to which the said application is to be made.

§ 3. This act shall take effect immediately.

Chap. 199.

AN ACT in relation to the court of general sessions of the peace, in and for the city and county of New York.

Passed May 3, 1876; three-fifths being present; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The court of general sessions of the peace, of the city and county of New York, is hereby authorized and empowered to appoint two additional deputy clerks, one interpreter, and one stenographer for said court. One of the clerks, to be appointed by virtue hereof, shall receive an annual salary of twenty-five hundred dollars, the stenographer shall receive an annual salary of two thousand dollars, and one of the clerks and the interpreter to be appointed by virtue hereof, shall each receive an annual salary of twelve hundred dollars, from the date of their appointment.

Appoint-
ment of
officers.

Salaries.

§ 2. The salaries of the clerks, interpreter and stenographer whose appointment is hereby authorized, shall be a county charge, and the board of estimate and apportionment of said city and county of New York, shall provide for the payment of the same, so soon as the sums requisite therefor, shall be certified to the said board by the said court of general sessions.

How paid.

§ 3. This act shall take effect immediately.

Chap. 200.

AN ACT to provide for the filling up of sunken lots in the city of Brooklyn.

Passed May 3, 1876; three-fifths being present; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Brooklyn, are hereby authorized to take proceedings to fill up to grade, any sunken lots in the city of Brooklyn, whenever a petition therefor shall be presented, signed and duly sworn to by the owners of a majority of the property or a majority of the owners affected thereby.

Common
council
may fill
sunken
lots.

§ 2. The said proceedings shall be conducted in all respects in the same manner as is now provided by law for the opening and improvement of streets, except that the same may be taken, whether there are or are not funds in the city treasury to pay for said work.

Proceed-
ings.

§ 3. The whole cost of such improvements shall be assessed on the lots so filled.

Costs.

Awarding
of con-
tracts.

Payment.

Assess-
ments and
their ef-
fect.

§ 4. The contract shall be awarded to the lowest bidder who shall stipulate therein, and as a part thereof, that the contractor shall in no event hold the city liable for the cost of said work or any part thereof, but will rely solely for payment on the money derived from the collection of the assessments for said works.

§ 5. Such assessment shall be confirmed and become a lien on the property within three months after said work is complete and accepted by the board of city works, or within three months after a certificate of a city surveyor shall be furnished to said board, and as the assessments are received by the controller he shall pay over the same to the contractor.

§ 6. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 201.

AN ACT to prevent frauds in the sale of staterooms, berths and tickets upon steamboats, and steamships, and other vessels.

Passed May 3, 1876; three-fifths being present; without the approval of the Governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Only
agents
permitted
to sell.

Evidence
of agency.

Excep-
tion.

SECTION 1. No person shall sell or offer to sell, within the limits of this State, any berth, stateroom, or right to the same, or either of them, or any right of passage, on any steamboat, steamship, vessel or line, except an agent duly authorized and appointed as hereinafter provided by the person or persons, company or companies, owning or running the same. Nor shall any person, except such an agent as aforesaid, sell or attempt to sell, within the limits of this State, any ticket, instrument or token, giving or granting, or purporting to give or grant, to any one the use of any berth, stateroom or place on any steamboat, steamship or other vessel, nor shall any person sell or attempt to sell any berth or stateroom ticket or any stateroom key, or the right to use the same, or the right to use any berth or stateroom, or any part thereof, upon any steamboat, steamship or other vessel, at a price or for a sum greater than that charged at the time of such sale, by those owning or running such steamboat, steamship or other vessel, for or upon which the same were sold. No person shall be deemed a duly authorized agent as aforesaid unless he shall have been appointed by instrument in writing which shall designate the name of the company, line, steamboat, steamship or vessel for which he shall act as agent, together with the street and number of the street, and the city, town or village in which his office shall be kept for the sale of such tickets, tokens or instruments; and he shall be required, in any case of inquiry or examination into his authority, to show the same affirmatively. But if any person shall have bought any ticket in good faith for his own passage, and shall have been prevented from using the same, he shall be permitted to sell such ticket at the regular rate established therefor, to any other bonafide purchaser for his own use, and upon proof of such facts, he shall not be held to have violated this act.

§ 2. Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. Penalty.

§ 3. Nothing in this act shall be so construed as to prevent the owner or owners, or the consignees of any line ship, steamship or steamboat, or any ticket clerk thereof, from selling tickets or other instruments, in the ticket office upon such ship, steamship, steamboat or vessel, or in the office of the persons or company running the same. Owners, consignees, etc., excepted.

§ 4. This act shall take effect immediately.

Chap. 202.

AN ACT to incorporate the Great Tribe of the independent order of Red Men of the State of New York.

Passed May 4, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Andreas Giegengack, Jacob Albers, Charles Hilferich, Anton Keller, Michael Heilmann, John Schneider, Isidore Herz, Martin C. Handschug, Abraham Reinheimer and such others as shall be lawfully associated with them and their successors, are hereby constituted a body corporate under the name of the "Great tribe of the independent order of Red Men of the State of New York," and as such shall have perpetual succession, and may sue and be sued in any of the courts of this State; and they and their successors in office may have and use a common seal, and alter and renew the same at pleasure, and for and in aid of the purposes of their incorporation may take and hold lands, tenements and hereditaments, goods, chattels, and money by purchase, gift, grant, devise or bequest, so far as the laws of this State in regard to devises and bequests will permit, and may sell, alien, devise, convey or dispose of the same as the interests of said organization may require, provided, always, that the clear yearly income of the real estate held by said corporation shall in no case exceed twenty thousand dollars. Powers of corporation.

§ 2. The object of said organization shall be to act as the governing body of the "independent order of Red Men of the State of New York," and as such to supervise, direct and control the organization, management, working and discipline of subordinate lodges or tribes of said order, and provide and issue or countersign charters therefor, and establish constitutions, by-laws and rules for the guidance thereof, and to do any acts for the advancement of the interests of said order, not inconsistent with the Constitution or laws of this State or the United States. Objects of organization.

§ 3. The constitution and by-laws of the existing voluntary association known as the Great tribe of the independent order of Red men of the State of New York so far as they do not conflict with the Constitution or laws of this State or of the United States, shall apply to and bind the corporation hereby created; and said corporation may, from time to time, amend its constitution and by-laws in the manner provided therein in any way so that the same shall not, as amended, conflict as aforesaid. Constitution, and amendments thereto.

Chap. 203.

AN ACT to authorize the city of Buffalo to issue certificates of indebtedness for the purpose of raising moneys to supply the deficiency, caused by the defalcation of the late city treasurer.

Passed May 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the city of Buffalo to raise money to an amount not exceeding three hundred thousand dollars, to supply the deficiency in the city treasury caused by the defalcation of the late city treasurer, and for that purpose, the common council may direct certificates of indebtedness of said city to the amount of three hundred thousand dollars to be issued payable within five years from the date thereof, with interest at the rate of seven per cent. Such certificates to be sold at not less than par, and the proceeds of the sale thereof to be deposited in the treasury to supply such deficiency.

§ 2. This act shall take effect immediately.

Chap. 204.

AN ACT for the improvement of the navigation of the Hudson river, and to make an appropriation therefor.

Passed May 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of removing obstructions in, and for improving the navigation of the Hudson river, at and between the city of Troy and the town of Coxsackie, and for deepening and widening the navigable channel of said river at certain specified points thereof, hereinafter named, between the said city of Troy and the said town of Coxsackie.

Where to be expended.

§ 2. Of the said sum of forty thousand dollars, fifteen thousand dollars, or so much thereof as shall be necessary, are hereby directed to be expended to secure a depth of water of five feet at mean low water at the rock obstructions below the sloop lock at Troy, and to secure a channel one hundred and twenty-five feet wide, with a depth of water, at mean low water, of six feet, at Round shoals, Fish House shoals and in the Bath channel, between the city of Troy and the city of Albany, and for the expense of engineering and mapping the same. The remainder of said forty thousand dollars, or so much thereof as may be necessary, is hereby directed to be expended to secure a channel one hundred and twenty-five feet wide with a depth of water, at mean low water, of ten feet at the overslaugh below Albany, at Coeymans and at New Baltimore, between the city of Albany and the town of Coxsackie, and for the expense of engineering and mapping the same.

§ 3. The work shall be done under the direction of the State Engineer and Surveyor. Payments for work thereon shall be made only upon sworn statements or estimates of engineers, which said statements shall be based upon actual measurement of the work done. The necessary engineering expenses for this work, except as otherwise provided for, shall be paid out of this appropriation.

Work, under direction of State Engineer.

Payments therefor.

§ 4. The Treasurer shall pay, upon the warrants of the Comptroller, to the parties entitled to receive the same, all drafts which the State Engineer and Surveyor may draw upon the latter for work done under this appropriation not exceeding in the aggregate the sum herein appropriated. Which said drafts of the State Engineer and Surveyor shall be accompanied by, and filed with, the sworn statements or estimates.

Payment how made.

§ 5. This act shall take effect immediately.

Chap. 205.

AN ACT in relation to clerks, deputy clerks and assistant clerks of the several courts of record in the counties of New York and Kings, and of the surrogate's court in said counties.

Passed May 4, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No clerk, deputy clerk or assistant clerk of any court of record in the counties of New York and Kings, or of the surrogate's court in said counties, shall hereafter be appointed referee, receiver or commissioner under any order or judgment of any court, unless the parties to the action or proceeding mutually agree to such referee.

§ 2. This act shall take effect immediately.

Chap. 206.

AN ACT to incorporate the Fulton lake park association.

Passed May 4, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. B. Lamberton and C. C. Morse, of the county of Monroe, James W. Wadsworth and James Faulkner, Jr., of the county of Livingston, Richard U. Sherman and Walter Ballou, of the county of Oneida, Robert M. Richardson and Thomas McCarthy, of the county of Onondaga, James L. Jackson and Henry H. Thompson, of the city of New York, Charles N. Ross, of the county of Cayuga, and such other persons as shall hereafter become members of the corporation hereby created, are hereby constituted a body corporate, by the name of "the Fulton lake park association," to be located in the county to be designated in its articles of association; to promote, encourage and

Corporators.

Location. Object.

sustain, by proper means, the propagation and preservation of fish and game, and the creation of a mountain villa park.

Constitution, etc.

§ 2. Said corporation shall have power to make and adopt a constitution and by-laws and regulations for the admission of its members, and their government; the division and number of its shares, the number and election of its officers, and to define their duties, and for the regulation and safe-keeping of its property, and from time to time to alter, modify or change such constitution, by-laws, rules and regulations; and, until an election shall be held pursuant to such constitution, by-laws, rules and regulations, the persons named in the first section of this act shall be the officers of the corporation hereby created.

Property.

§ 3. Said corporation may purchase, lease, hold or sell any real estate or personal property in this State necessary and proper for the purposes of its incorporation; provided, they shall not hold any real estate, the original cost of which shall exceed two hundred thousand dollars.

Capital stock.

§ 4. The capital stock of the said association shall be the sum of two hundred thousand dollars, consisting of one thousand shares of the par value of two hundred dollars for each share. But the directors may, at any time, and from time to time, by a vote of two-thirds in interest, increase the amount of such capital stock, and the par value of each share thereafter to be subscribed for, provided the entire capital stock shall not exceed the amount of five hundred thousand dollars, and that the corporation shall own in fee at least ten acres of land for each two hundred dollars of capital.

May be increased.

Licenses.

§ 5. The association may issue licenses to any person or persons to hunt, fish, shoot or take game, or to go upon its property, under such regulations as may be prescribed by its by-laws. It may declare forfeited the interest of, and expel from the corporation, any member for willful infraction of its by-laws, rules and regulations.

Expulsion of members.

Game-keepers.

§ 6. The corporation shall have the right to select among its game-keepers any number, not exceeding ten, who shall be provided with an appropriate badge, and who shall have all the right and authority of a

Powers of.

deputy sheriff or a constable, within the limits of the property owned or leased by the corporation, and shall have the same power and authority, within the limit of the county or counties wherein its property is situated, in all matters touching the rights of the corporation, trespasses upon its real property, or interference with its game, fishing laws or other rules and regulations. And it shall be the duty of the sheriff of

Duty of sheriff.

the county to deputize such game-keepers, not exceeding ten, as deputy-sheriffs; their appointments to continue as long as they shall be employed by said corporation, and no longer. Such deputy-sheriffs shall be entitled to no fees or reward, except such as shall be paid them by the corporation, and the corporation shall pay the sheriff of the county five dollars for each deputy-sheriff so appointed.

Fees.

Prohibition against hunting, etc.

§ 7. All persons are forbidden to hunt, shoot or fish in or upon the lands or waters owned or leased by said corporation, unless authorized to do so by said corporation, and any person who shall be found guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars, and not more than fifty dollars, in the discretion of the judge, court or magistrate before whom he or she shall be tried, for the first offense, and shall be fined not less than twenty dollars, and not more than one hundred dollars, for each additional offense.

Penalty.

§ 8. In addition to the penalties provided in the last section, the following penalties are imposed for the following offenses:

1. Any person who shall, without permission of the corporation,

shoot, fish, hunt, or attempt to shoot, fish, or hunt upon the lands owned or leased by said corporation, provided there are signs or placards posted in a conspicuous manner upon the boundaries of said lands not more than one-half mile apart, warning trespassers against entering, shall, upon first conviction thereof, forfeit the sum of thirty dollars, and upon any subsequent conviction, the sum of sixty dollars. Signs or placards.

2. Any person who shall, without permission, as aforesaid, kill any deer or other four-footed animals (except hares, rabbits and other smaller animals, also wolves and panthers), upon the property owned or leased by said corporation, shall forfeit the sum of forty dollars for each offense. Killing deer, etc.

3. Any person who shall, without permission of said corporation, kill any wild turkey or other game bird, of a species of which the average weight, at full growth, is two pounds or upwards, upon the property owned or leased by said corporation, as aforesaid, shall forfeit the sum of ten dollars for each offense. Wild turkeys, etc.

4. Any person who shall, without permission, as aforesaid, kill any game bird of a species of which the average weight, at full growth is less than two pounds, or any hare or rabbit or other small game animal, upon the property owned or leased by the corporation, shall forfeit the sum of five dollars for each offense. Game birds, etc.

5. Any person who shall, without permission, as aforesaid, catch, kill, or take fish upon the property owned or leased by said corporation, and around which there shall be signs or placards, notifying the trespassers, as aforesaid, shall forfeit the sum of two dollars for each fish, and an additional fine of five dollars for each and every pound of fish so caught, killed or taken. Catching fish.

§ 9. Any person who shall willfully injure, destroy or pull down any fence, building, boundary sign or placard, or other property of the corporation (other than game birds, animals and fish, as aforesaid), or shall set fire to any woods owned or leased by it, shall, upon conviction, forfeit a sum not less than one hundred dollars and not more than one thousand dollars, at the discretion of the tribunal before whom he or she may be tried. Injury to property.

Any person who shall hunt with any dog owned by him, or over which he has control, in or upon the property owned or leased by said corporation, unless by permission of said corporation, shall, upon conviction, forfeit the sum of twenty dollars; and any officer, agent, or employe of the corporation may seize any dog found hunting upon its premises, and detain it until the fine aforesaid is paid, or may destroy any dog found hunting therein. Hunting with dogs.

§ 10. The laws of the State relating to fish or wild animals (except noxious animals for the killing of which a reward is offered), shall not be applicable to any of the territory owned or leased by said corporation, except that any person not authorized by said corporation to take game or fish within its boundaries, who shall do so contrary to the laws of this State, shall be liable to the penalties provided by said State laws in addition to the penalties provided by the game laws of the corporation. Application of State law to territory.

§ 11. Any action brought for the recovery of a penalty for the violation of this act may be tried before any justice of the peace or other court having jurisdiction in civil action, for an amount equal to the penalty sued for, and in case of recovery, an execution may be issued against the person of the defendant as in other cases, where an execution may now be issued against the person. In cases of the recovery of fines under this act, one-half of such fine shall be paid to the informer, Action. Disposition of fines.

and one-half thereof to the treasurer of the county in which the action is tried, for the use of such county.

Action for
trespass,
etc.

Damages.

§ 12. Nothing herein contained shall limit or abridge the rights of said corporation to bring civil actions for trespass or damage to its property, real or personal. In any action for damage done to any fence, building or animal, or any property of the corporation, the damage shall not be confined to the actual damage of the property injured or destroyed; but if such damage is willful or malicious, triple damage shall be awarded, and the jury may also award such punitive damages as they may deem proper.

Powers of
corpora-
tion.

§ 13. Such corporation shall possess the general powers, and be subject to the restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 14. This act shall take effect immediately.

Chap. 207.

AN ACT to provide a government for the New York State Reformatory at Elmira, and to provide for the completion of the same, and to make an appropriation therefor.

Passed May 9, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
managers.

Compen-
sation.

Terms of
office.

Vacan-
cies.

Governor
may re-
move, etc.

Superin-
tendent.

Superin-
tendent of
construc-
tion.

Examina-
tion of ac-
counts.

SECTION 1. Louis D. Pilsbury, Sinclair Tousey, William C. Wey, Rufus H. King, and Ariel S. Thurston, are hereby constituted a board of managers for the New York State Reformatory at Elmira, and as such board shall have general charge and superintendence of said Reformatory, and shall conduct the same upon non-partisan principles; they shall have no compensation for their services, but shall be allowed their reasonable traveling and other official expenses; they shall hold their office for five years, except as follows: Louis D. Pilsbury shall hold office for five years, Sinclair Tousey for four years, William C. Wey for three years, Rufus H. King for two years, Ariel S. Thurston for one year, from the passage of this act. Whenever vacancies shall occur in said board of managers, by the refusal of either of the members thereof to act or otherwise, such vacancies shall be filled by the Governor, by and with the advice and consent of the Senate, and when the Senate is not in session, by the Governor, subject to the consent and approval of the Senate when it shall convene. The Governor may remove any of the managers, for misconduct, incompetency, or neglect of duty, after opportunity shall be given them to be heard upon written charges.

§ 2. The board of managers shall appoint a general superintendent, and shall have power to remove him for cause after opportunity shall be given him to be heard upon written charges; all other officers shall be appointed by the superintendent, and removable at his pleasure. The superintendent of construction of such Reformatory may be removed by the board of managers for cause after opportunity shall have been given him to be heard upon written charges; and any vacancy so caused shall be filled by such board by appointment.

§ 3. The board of managers shall examine all the accounts and expenditures and vouchers, relating to the business of the Reformatory,

monthly or quarterly, and shall certify their approval or disapproval of the same, to the Comptroller of the State.

§ 4. The said board of managers shall receive and take into said Reformatory all male criminals, between the ages of sixteen and thirty years, and not known to have been previously sentenced to a State prison or penitentiary on conviction for a felony, in this or any other State or country, who shall be legally sentenced to said Reformatory, on conviction of any criminal offense, in any court having jurisdiction thereof, and any such court may, in its discretion, sentence to said Reformatory, any such male person convicted of a crime, punishable by imprisonment in a State prison, between the ages of sixteen and thirty years, as aforesaid. The discipline to be observed in said prison shall be reformatory, and the said managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may deem expedient. Criminals in such Reformatory may be employed in agricultural or mechanical labor, as a means of their support and reformation. The system of labor shall be by contract or by the State, or partly by one system and partly by the other, as shall be in the discretion of the board of managers deemed best.

Criminals to be received in reformatory.

Discipline.

System of labor.

§ 5. From and after the passage of this act the courts of this State are hereby authorized to sentence the class of offenders mentioned in the fourth section of this act, convicted of any criminal offense, to the said Reformatory instead of the State prison, when such criminals are between the ages of sixteen and thirty years.

Courts to sentence to reformatory.

§ 6. The labor necessary for the construction of shops and the inclosure of the grounds upon which the Reformatory is located, and for the completion of the unfinished portions of the Reformatory, shall be performed by the inmates, as far as may be practicable, and it shall be the duty of the Inspectors of the State Prisons to select such number of inmates from the State prisons as shall, as nearly as may be, come within the provisions of the fourth section of this act, as to age and crime, and transfer the same to the Reformatory, as shall be requested by the board of managers of the Reformatory to labor on the unfinished inclosure or the buildings or the shops, as may be best adapted for the kind of mechanical labor required.

Construction of shops and inclosure.

Convicts transferred to reformatory.

§ 7. The said board of managers shall have the charge and general superintendence of the grounds, and the grading and improvement thereof, and of the construction of the shops, and of the enclosure, and they are hereby authorized to purchase the necessary building materials for the same, and are authorized to supply such mechanical and other assistance as shall make effective the labor of the inmates of said Reformatory. All purchases of materials and supplies to an amount exceeding five hundred dollars shall be made by contract, awarded to the lowest responsible bidder, after notice for two weeks in the State paper, and in three papers published in the county of Chemung, having the largest circulation, and one paper in the city of New York, of large circulation, of the day and hour when sealed proposals will be received for the supply of the materials and supplies required.

Superintendence of the grounds.

Purchase of materials.

§ 8. It shall be the duty of such board of managers on or before the tenth day of January in each year hereafter, to report to the Legislature the condition of said Reformatory and their proceedings in regard to the inmates, and the progress of the work of construction and the amount of money expended, with a detailed statement thereof, with such recommendations as the board of managers shall deem proper.

To report to Legislature.

§ 9. The annual compensation of the several officers, keepers, guards, and teachers of the Reformatory shall be fixed by the said board of

Compensation of officers.

managers in their discretion at sums not exceeding the following: to the superintendent, thirty-five hundred dollars; to the physician, one thousand five hundred dollars; to the principal keeper, one thousand dollars; to the clerk, one thousand dollars; to the chaplain, or chaplains one thousand dollars per annum; to the kitchen-keeper, eight hundred dollars; to the store-keeper, eight hundred dollars; to the hall-keeper, six hundred dollars; to the yard-keeper, six hundred dollars; to the keepers, each five hundred dollars; to the guards, each five hundred dollars; to the sergeant of guards, five hundred dollars; and to the teachers, each three hundred dollars; and, if, for any reason, the term of service of any of them shall terminate before the end of any year, their compensation shall be paid only for the term of service at the rate of the annual compensation above provided, and such salaries shall be in full for all services performed by them.

Oaths of
office

§ 10. Every officer who shall be appointed in pursuance of the provisions of this act, shall take and file in the office of the Secretary of State, within fifteen days after his appointment, the Constitutional oath of office; and the superintendent and such other officers as shall be required by the Comptroller so to do, shall, respectively, give bonds to the State in such penalty and with such sureties as the Comptroller shall approve, conditioned for the faithful performance of their duties as required by law.

Appropri-
ation.

§ 11. The sum of fifty thousand dollars or so much thereof as may be necessary is hereby appropriated for the purpose of purchasing materials and proceeding with the work of construction of the north wing of the Reformatory, which appropriation shall be paid by the Treasurer on the warrant of the Comptroller upon the requisition of the board of managers out of any money in the treasury not otherwise appropriated. The work on said north wing shall be performed so far as practicable by the inmates of the said Reformatory.

§ 12. This act shall take effect immediately.

Chap. 208.

AN ACT to extend the time for making assessments for taxes in the city and county of New York.

Passed May 12, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any assessments made by the commissioners of taxes and assessments in the city of New York, authorized by any law of this State, shall be as valid, if made on or before the fourth Monday of March, in the year eighteen hundred and seventy-six, as if they had been made on or before the second Monday in January.

§ 2. This act shall take effect immediately.

Chap. 209.

AN ACT to provide for the completion of the court-house in the third judicial district in the city of New York.

Passed May 12, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller of the city of New York is hereby authorized and directed to raise, on bonds of said city, for the completion of the court-house for the third judicial district in said city, the sum of fifty thousand dollars, or so much thereof as shall be certified by the commissioners having in charge the erection of said building to be necessary. Comptrol
ler to raise
\$50,000.

§ 2. The bonds so authorized to be issued, by section one of this act, shall be entitled "Third district court-house bonds of the city of New York," and shall bear interest not exceeding seven per cent., and to be payable in not less than ten nor more than fifty years, as the said comptroller shall determine, and shall not be issued at less than par value. Said bonds shall be signed by the comptroller and countersigned by the mayor, and it shall be the duty of the clerk of the common council to affix the common seal of the corporation thereto, and attest the same. Bonds.
Interest,
etc.

§ 3. The board of estimate and apportionment of the city of New York are hereby authorized to fix the salaries or compensation for the services of the three commissioners, for the erection of the court-house in the third judicial district of the city of New York, appointed under the provisions of chapter eight hundred and six of the laws of eighteen hundred and seventy-three, from the date of their appointment as such commissioners, and from time to time to make such appropriations therefor as may be necessary. And it shall be the duty of said commissioners to complete the said court-house building on or before the thirty-first day of December, eighteen hundred and seventy-six, on which date the office of the commissioners for the erection of the court-house in the third judicial district of the city of New York shall be abolished. Compen-
sation of
commis-
sioners.

Comple-
tion of
building.

§ 4. This act shall take effect immediately.

Chap. 210.

AN ACT to repeal chapter nine hundred and twenty of the laws of eighteen hundred and sixty-nine, entitled "An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York.

Passed May 12, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter nine hundred and twenty of the laws of eighteen hundred and sixty-nine, entitled "An act in relation to the opening, widening and extending of streets, avenues and public places in the city of New York," is hereby repealed. Provided, however, that no

existing right or interest lawfully created or established by and under the provisions of said act, and no action or proceeding now pending, lawfully commenced and prosecuted, shall be affected or in any manner prejudiced or invalidated by the repeal thereof.

§ 2. This act shall take effect immediately.

Chap. 211.

AN ACT for the relief of the creditors of James B. Taylor, late of the city of New York, deceased.

Passed May 12, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Surrogate may appoint receiver.

Powers of receiver.

May be removed.

Surrogate may mortgage, lease, or sell real estate.

Distribution of moneys.

Petition.

SECTION 1. Upon the petition of any judgment creditor of the estate of James B. Taylor, late of the city of New York, deceased, whose judgment shall have been recovered since the decease of said James B. Taylor, the surrogate of the county of New York shall have power to appoint some suitable person as receiver of the real estate left by the said James B. Taylor, pending the contest upon his last will and testament. Such receiver shall have and possess the same power and authority, and shall be required to give the same security as if appointed by any other court of competent jurisdiction. The said surrogate shall have the same power to remove such receiver and appoint another in his stead as is possessed by the Supreme Court in cases of receivers appointed by it, and may in like manner direct and control his conduct from time to time.

§ 2. Whenever it shall be made to appear to said surrogate by the petition of the said receiver, or of any such judgment creditor or creditors of the said James B. Taylor, that the personal estate of the said James B. Taylor is insufficient to pay all the debts of the said Taylor, together with the costs and expenses of administration, the said surrogate of the county of New York shall have power and authority to order the real estate of the said James B. Taylor, or any part of the same, to be leased, mortgaged or sold by the said receiver in the same manner as if applied for by an executor or administrator, as now provided by law; to direct such receiver to execute and deliver any lease, mortgage or conveyance necessary to carry into effect such order of the said surrogate, and to require the money arising from such lease, mortgage or sale, after paying the costs and expenses of the same, to be brought into said surrogate's court, to be distributed, paid out and applied as required by law in case of a lease, mortgage or sale made by an executor or administrator under the order of a surrogate, as now authorized and provided by law.

§ 3. The said petition shall set forth: first, the amount, character and value of the personal property of said deceased, remaining; second, the debts outstanding against the said James B. Taylor; third, a general description of all the real estate of which the said James B. Taylor died seized, situated in this State, with the estimated value of the same and the incumbrances, if any thereon (designating such parts as have been sold for taxes or in foreclosure), and whether occupied or not, and if occupied the name of the occupant or occupants; fourth, the names, ages and residence of the heirs-at-law of said James B. Taylor, and also of the devisees named in his alleged will; and all the matters re-

quired to be stated in such petition shall be stated as fully and particularly as the same can be ascertained, and such petition shall be verified by the petitioner or his attorney, to the effect that the same is true to the knowledge of the deponent, except as to the matters therein stated on his information and belief, and that as to those matters he believes it to be true. If the affidavit be by an attorney, the reason why the petitioner does not make the same shall be stated. If there be more than one petitioner, the verification may be by any one of those jointly interested.

§ 4. Upon presenting such petition to the surrogate of the county of New York said surrogate shall proceed in the same manner as upon the petition of an executor or administrator applying to the surrogate for authority to mortgage, lease or sell so much of the real estate of the testator or intestate as shall be necessary to pay his debts, and shall in like manner determine whether such real estate shall be leased, mortgaged or sold; and the order of the said surrogate in the premises shall be executed by the said receiver as in the case of an order for an executor or an administrator to lease, mortgage or sell the real estate of his testator or intestate, and the moneys produced by such lease, mortgage or sale shall be brought into the office of said surrogate, as in such case; and the said surrogate shall apply and distribute such moneys among the creditors of the said James B. Taylor, and in all respects proceed as he is required by law to do on a similar application by an executor or administrator.

Proceed-
ings as if
made by
executor.

§ 5. Upon receiving the petition above mentioned, the jurisdiction of the said surrogate shall continue, and the said surrogate shall proceed until the creditors of said James B. Taylor are paid in full, or so far as the proceeds of the said real estate will pay the said debts.

Jurisdic-
tion.

§ 6. If, after the payment of said debts and the said costs and expenses, there shall be any surplus of the proceeds of the sale, the same shall be deposited or invested by said surrogate in his name of office to abide the determination of such contest upon said will, and when such contest is finally determined, such surplus or any surplus which may arise shall be paid over to the parties entitled thereto.

Surplus
moneys,
disposi-
tion of.

§ 7. Any order or decree made by the surrogate under the provisions of this act may be reviewed on appeal to the Supreme Court within thirty days after such order or decree shall have been made, and such court may thereupon affirm, reverse or modify the same.

Order of
surrogate.

§ 8. This act shall take effect immediately.

Chap. 212.

AN ACT to make further provision for the audit and payment of the claims and expenses of conducting civil and criminal suits and proceedings growing out of the frauds upon the treasury of the city and county of New York.

Passed May 12, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of New York is hereby authorized and required to raise by tax upon the estates, real

Supervi-
sors of
county to

raise
\$25,000.

Applica-
tion of
funds.

and personal, in the city and county of New York subject to taxation in the year one thousand eight hundred and seventy-six, twenty-five thousand dollars for the purposes hereinafter mentioned.

§ 2. The said sum of twenty-five thousand dollars, in addition to sums heretofore appropriated by chapter five hundred and eight of the laws of eighteen hundred and seventy-two, and chapter six hundred and thirty-one of the laws of eighteen hundred and seventy-three, and chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-four, shall be applied to the payment of the liabilities and expenses for counsel fees and otherwise, which have been or may be incurred by the Attorney-General and Charles O'Connor, or under their direction, or that of either of them, in the conduct and prosecution of suits and criminal proceedings connected with or growing out of the alleged frauds mentioned in said act, chapter five hundred and eight of the laws of eighteen hundred and seventy-two; said liabilities shall be paid by the comptroller of the city of New York on production of accounts therefor, duly certified by the Attorney-General and the Governor.

§ 3. This act shall take effect immediately.

Chap. 213.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the New York Infant Asylum."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-two of chapter one hundred and six of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the New York Infant Asylum," as amended by chapter two hundred and sixty-three of the laws of eighteen hundred and seventy-two, entitled an act to amend an act entitled an act to incorporate the New York Infant Asylum, passed March eleventh, eighteen hundred and sixty-five, is hereby further amended so as to read as follows:

Board of
supervi-
sors to
levy tax.

§ 22. In each and every year after this act shall take effect, the board of supervisors of the city and county of New York shall levy and collect by tax at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and pay over to said corporation such a sum per week for every infant under eighteen months of age, for whose care some provision has not been made by some person or persons, as the commissioners of charities and corrections shall certify to have been expended during the last fiscal year in the care and provision for the infants, per week, each, in the infants' hospital which is under the control of said commissioners; and for every child over the age of eighteen months, such a sum per year, in monthly payments, as the said commissioners shall certify to have been expended as an average cost for maintenance and the hospital care of each child for a full year at the institution known as the nursery for children, on Randall's Island, in the last previous fiscal year, as shown and reported by said commissioners. And the

said commissioners shall so inform and certify, upon the request of the managers of said Asylum, on or before the fifteenth day of February in each year, and such certification shall be based upon the total expenditures charged and chargeable by the said commissioners against their said infants' hospital and their said nursery (according to the ages of the children continuing in the house), and proportionally for any fraction of a year for each and every child which, agreeable to the provisions of this act, shall be intrusted to the care and custody of the said corporation from the city and county of New York, and shall be supported and maintained by them. It is further provided that whenever any homeless or needy mother has received care and attendance in the lying-in wards of the New York infant asylum, the managers of said asylum shall be entitled to receive and shall receive from the county treasurer, as herein above provided, the sum of twenty-five dollars for said care and obstetric attendance, and whenever any mother thus domiciled and attended at the birth of her child, and whenever any other homeless or needy mother with a nursing infant, resides at the asylum by the request of its officers, and wet nurses her own infant, the managers of said institution shall be entitled to receive and shall receive from the county treasurer, the sum of eighteen dollars per month, and proportionally for any fraction of a month for each mother so remaining under their charge, in said asylum, provided such residence shall exceed the period of two months, to be paid as hereinbefore provided in monthly, quarterly or annual payments, as said managers may request, but the managers of the said institution shall not be entitled to receive the said monthly allowance for a longer period than for one year for any mother so remaining.

Homeless
and needy
mothers.

§ 2. This act shall take effect immediately.

Chap. 214.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-five, entitled An act to amend an act entitled An act to revise the charter of the city of Auburn.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled An act to revise the charter of the city of Auburn, passed April twenty-second, eighteen hundred and sixty-nine," is hereby amended so as to read as follows:

SECTION 1. Section ninety-one of the act entitled An act to revise the charter of the city of Auburn, passed April twenty-second, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 91. The city clerk shall, on or about the fifteenth day of April in each year, make a statement of such account of unpaid taxes, and a statement of such account or accounts of unpaid assessments as may be filed in his office and remaining unpaid, in which he shall make a brief description of the lands on which such tax or taxes, assessment or assessments, are levied or assessed, with the nature of the tax or assess-

Unpaid
taxes and
assess-
ments,
manner of
collecting.

Treasurer
not to
overdraw
any fund.

Salary.

Use of
money a
misdemeanor.

of the treasury, and such report shall be printed and published in two of the newspapers published in said city, and in such other manner as the council may direct. The treasurer shall not overdraw any fund, but shall forthwith notify the chamberlain, in writing, when any fund is exhausted. The treasurer shall receive for his services such compensation, not exceeding one thousand five hundred dollars in each year, as the common council shall direct, and shall not receive for his services any other fee or reward whatever. And for any use, application or investment of the moneys of the city, other than as herein provided, such treasurer shall be deemed guilty of a misdemeanor and liable to indictment and punishment therefor as such.

§ 2. Section seven of title five of said act is hereby amended so as to read as follows:

Interest
on unpaid
taxes.

§ 7. All taxes and assessments that shall remain unpaid for sixty days after the date of the original warrant authorizing the collection thereof, shall bear interest at the rate of one per cent. per month, from the date of the warrant, and such tax and interest and the additional percentage required to be collected in section ten of title four, may be sued for and recovered by the city, against any person liable therefor.

§ 3. Section eight of title five of said act is hereby amended so as to read as follows:

Taxes or
assessment, a
lien.

§ 8. Every tax or assessment, for whatever purpose imposed or charged upon any real estate within the city by virtue of any provision of this act or for county or State taxes and assessments, shall be a lien upon the real estate so charged respectively, for city taxes and assessments from the date of the signing of the warrant for the collection thereof, and for county and State taxes and assessments from the date of the signing of the warrant for the collection thereof for two years from the signing thereof, and if any tax or assessment or any part thereof for city or for county and State purposes, or for either city or county and State purposes shall be returned as unpaid by any officer authorized to collect the same, the common council of said city shall direct the city attorney to advertise and sell such real estate in the manner hereinafter provided. The attorney conducting such sales, for the full performance of his duty therein, shall be entitled to demand and have such fees as the council shall fix, not exceeding ten dollars for each parcel of land so ordered to be sold in case the sale thereof shall be stopped by payment after advertisement, and not exceeding twenty dollars for each parcel that shall be actually sold, and the remedy and proceedings herein provided to enforce the collection of such city and county and State taxes shall apply to and may be used and pursued for the collection of all taxes and assessments either for city or for county and State purposes now due and owing from any source for city, and also for county and State purposes.

Unpaid
taxes, etc.

Fees of
attorney.

§ 4. This act shall take effect immediately.

Chap. 216.

AN ACT to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to organize and establish a police for the city of Yonkers."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of the act entitled "An act to organize and establish a police for the city of Yonkers," passed March thirty-first, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 5. At the annual meeting of the common council in each year, or as soon after such annual meeting as may be, the mayor shall nominate, and by and with the advice and consent of the common council appoint a commissioner of police for the full term of four years to succeed the commissioner whose term shall expire in such year. Police commissioner.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. The board of police created by this act shall exercise within said city the powers and fulfill the duties connected with and incident to police government and discipline as hereinafter more especially provided. They shall select from their number one who shall be the president of the board. They shall appoint from their number a treasurer and secretary. They shall also have power to appoint a clerk who shall receive such compensation as the board may determine. Board of police.

§ 3. Section eight of said act is hereby amended so as to read as follows:

§ 8. Any vacancy occurring in the number of such commissioners, it shall be the duty of the mayor to nominate and by and with the advice and consent of the common council to appoint a suitable person to fill the vacancy so occurring; and the person so appointed shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill. Vacancies.

§ 4. Section twenty-four of said act is hereby amended by adding thereto the following words: The board of police may establish a school of instruction, with such rules and regulations as they may deem proper, and all newly appointed patrolmen shall be placed in such school before being assigned to their full duties, and any patrolman who, by want of knowledge of his duties, or who shall become indifferent in the execution thereof, may, in the discretion of the board of police, be assigned to the school of instruction and remain there during the discretion of the board of police. The salary of all patrolmen assigned to the school of instruction shall be at the rate of not less than eight hundred dollars per annum, but the rate may be increased from time to time by the board of police, as such officers so assigned shall exhibit proper progress in the knowledge of their duties, and a proper interest in the execution thereof in such school, provided, however, that the salary shall not be increased beyond the rate of twelve hundred dollars per annum. School for instruction of patrolmen.

§ 5. This act shall take effect immediately. Salary of patrolmen.

raise
\$23,000.

Applica-
tion of
funds.

and personal, in the city and county of New York subject to taxation in the year one thousand eight hundred and seventy-six, twenty-five thousand dollars for the purposes hereinafter mentioned.

§ 2. The said sum of twenty-five thousand dollars, in addition to sums heretofore appropriated by chapter five hundred and eight of the laws of eighteen hundred and seventy-two, and chapter six hundred and thirty-one of the laws of eighteen hundred and seventy-three, and chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-four, shall be applied to the payment of the liabilities and expenses for counsel fees and otherwise, which have been or may be incurred by the Attorney-General and Charles O'Connor, or under their direction, or that of either of them, in the conduct and prosecution of suits and criminal proceedings connected with or growing out of the alleged frauds mentioned in said act, chapter five hundred and eight of the laws of eighteen hundred and seventy-two; said liabilities shall be paid by the comptroller of the city of New York on production of accounts therefor, duly certified by the Attorney-General and the Governor.

§ 3. This act shall take effect immediately.

Chap. 213.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the New York Infant Asylum."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-two of chapter one hundred and six of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the New York Infant Asylum," as amended by chapter two hundred and sixty-three of the laws of eighteen hundred and seventy-two, entitled an act to amend an act entitled an act to incorporate the New York Infant Asylum, passed March eleventh, eighteen hundred and sixty-five, is hereby further amended so as to read as follows:

Board of
super-
visors to
levy tax.

§ 22. In each and every year after this act shall take effect, the board of supervisors of the city and county of New York shall levy and collect by tax at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and pay over to said corporation such a sum per week for every infant under eighteen months of age, for whose care some provision has not been made by some person or persons, as the commissioners of charities and corrections shall certify to have been expended during the last fiscal year in the care and provision for the infants, per week, each, in the infants' hospital which is under the control of said commissioners; and for every child over the age of eighteen months, such a sum per year, in monthly payments, as the said commissioners shall certify to have been expended as an average cost for maintenance and the hospital care of each child for a full year at the institution known as the nursery for children, on Randall's Island, in the last previous fiscal year, as shown and reported by said commissioners. And the

said commissioners shall so inform and certify, upon the request of the managers of said Asylum, on or before the fifteenth day of February in each year, and such certification shall be based upon the total expenditures charged and chargeable by the said commissioners against their said infants' hospital and their said nursery (according to the ages of the children continuing in the house), and proportionally for any fraction of a year for each and every child which, agreeable to the provisions of this act, shall be intrusted to the care and custody of the said corporation from the city and county of New York, and shall be supported and maintained by them. It is further provided that whenever any homeless or needy mother has received care and attendance in the lying-in wards of the New York infant asylum, the managers of said asylum shall be entitled to receive and shall receive from the county treasurer, as herein above provided, the sum of twenty-five dollars for said care and obstetric attendance, and whenever any mother thus domiciled and attended at the birth of her child, and whenever any other homeless or needy mother with a nursing infant, resides at the asylum by the request of its officers, and wet nurses her own infant, the managers of said institution shall be entitled to receive and shall receive from the county treasurer, the sum of eighteen dollars per month, and proportionally for any fraction of a month for each mother so remaining under their charge, in said asylum, provided such residence shall exceed the period of two months, to be paid as hereinbefore provided in monthly, quarterly or annual payments, as said managers may request, but the managers of the said institution shall not be entitled to receive the said monthly allowance for a longer period than for one year for any mother so remaining.

Homeless
and needy
mothers.

§ 2. This act shall take effect immediately.

Chap. 214.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-five, entitled An act to amend an act entitled An act to revise the charter of the city of Auburn.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and sixty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled An act to revise the charter of the city of Auburn, passed April twenty-second, eighteen hundred and sixty-nine," is hereby amended so as to read as follows:

SECTION 1. Section ninety-one of the act entitled An act to revise the charter of the city of Auburn, passed April twenty-second, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 91. The city clerk shall, on or about the fifteenth day of April in each year, make a statement of such account of unpaid taxes, and a statement of such account or accounts of unpaid assessments as may be filed in his office and remaining unpaid, in which he shall make a brief description of the lands on which such tax or taxes, assessment or assessments, are levied or assessed, with the nature of the tax or assess-

Unpaid
taxes and
assess-
ments,
manner of
collecting.

Proviso.

ment, and cause the statement or statements, and description or descriptions to be published in one daily newspaper in said city for at least two weeks, with a notice that if the same are not paid to the city clerk, with seven per cent. fees thereon and interest and expenses on or before the first Tuesday of May next thereafter, that he will sell the lands and tenements on which, or in respect to which, they are imposed, or cause the same to be sold at public auction, at twelve o'clock on that day, from the steps of the court-house in the city of Auburn, to any bidder who will take said premises for the shortest time, and pay said tax or assessment, with said fees, interest and expenses, including expenses of advertising and of such sale; provided, however, that if the time for the collection of any tax or assessment shall have been extended by law, or by direction of the common council of said city, so that the treasurer and tax receiver cannot conveniently deliver an account of unpaid taxes or unpaid assessments to the city clerk at the time provided, or if, for any reason, the treasurer and tax receiver shall have failed, neglected or omitted to deliver such account of unpaid taxes or unpaid assessments to the city clerk at the time provided, or if the city clerk shall have omitted, neglected or failed to make such statement of unpaid taxes or assessments and brief description aforesaid, or if it shall have become, or shall hereafter become, impracticable to make the same, or to publish said notice or make such sale within the time or on the day required, it shall be the duty of the city clerk to make such statement of unpaid taxes or unpaid assessments and brief description, and to publish such notice and make such sale at the earliest practicable day thereafter, but in no case shall any sale be made until due publication of said two weeks' notice, and said sale shall take place on or before the first day of July in every year. This provision shall have force and effect from April fifteenth, eighteen hundred and seventy-six, and shall apply to all accounts of unpaid taxes or assessments upon which sales have not heretofore been had.

§ 2. This act shall take effect immediately.

Chap. 215.

AN ACT to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of title four of chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city," is hereby amended so as to read as follows:

Treasurer
to receive
and dis-

§ 10. The treasurer of said city shall receive all moneys belonging thereto, and keep an accurate account of all receipts and expenditures

in such a manner as the common council shall direct. He shall pay no moneys from the treasury of the city except upon a warrant signed by the chamberlain and countersigned by the mayor or presiding officer of the council, as heretofore provided. He shall file all such warrants, and the same shall be open to the inspection of the common council at any time; and all accounts of receipts and expenditures kept by him shall, in like manner, be open to the examination of the council or a committee thereof at any time. The treasurer of said city shall be the collector of taxes and assessments in the city, shall perform the duties, possess all the powers and authority, and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act, and all taxes and assessments to be collected within the limits of the city shall be collected by him. All taxes paid to him within thirty days after his first publication of notice, as required by law, shall be paid without any charge or percentage as fees for collecting. On all taxes remaining unpaid at the expiration of thirty days from the first publication of said notice said treasurer shall be required to collect five per cent. additional, which percentage in all cases, when collected, shall go and belong to the city. At the time of the delivery to him of any such roll and warrant, the treasurer shall indorse on the assessment and tax-roll on file with the chamberlain a receipt acknowledging the reception by him of the duplicate of such tax-roll and warrant as city treasurer, and shall then be charged with the whole amount of the tax which the roll and warrant delivered to him authorize him to collect, and he shall not be authorized to credit himself with any amount as unpaid tax thereon until he shall make and file with the chamberlain an affidavit stating the amount of unpaid tax, and setting forth the reason in each case, why such tax is or has not been collected. The common council may thereupon order and authorize said treasurer to credit himself with the whole or any part of said tax unpaid and the treasurer shall be credited only with such amount as the common council shall so order. But no such settlement nor any settlement had by the council or by any city officer with any treasurer of any tax or assessment, shall be final or conclusive; and no bond or other security given by any treasurer shall be invalidated by or cancelled on any such settlement, but shall remain in full force, and be held for one year thereafter by the city. Immediately after the return of any tax as unpaid, which shall be a lien upon real estate, the common council shall proceed to procure a sale of such real estate in the manner prescribed by this act. The treasurer shall deposit all moneys received by him in such bank or banks in the city of Poughkeepsie as shall be designated by resolution of the common council for that purpose, on the day of the receipt thereof by him, to the credit of the city of Poughkeepsie, and to the credit of the respective funds designated in this act, to be drawn therefrom only upon the check of the treasurer, countersigned by the mayor. All interest allowed by such bank or banks upon any money so deposited shall belong to the city of Poughkeepsie and be credited to the city by such bank or banks. The treasurer shall present to the common council, at its first stated meeting in each month, a brief statement of the aggregate receipts and disbursements on account of each fund in his charge during the preceding month, and the balance in hand belonging to each fund, and such statement shall be filed with the chamberlain. He shall exhibit to the common council, at its last meeting in each year, a full account of all receipts and expenditures after the date of the last annual report of the treasurer, and also of the state

burse all moneys. Payment on warrant of chamberlain.

Warrants open to inspection.

Collector of taxes, etc.

Fees for collecting.

Tax roll and warrant.

Credit for unpaid taxes.

Settlement when final.

Sale of lands for taxes.

Deposit of moneys.

Interest on deposits.

Receipts and disbursements to be reported.

Annual report.

of the treasury, and such report shall be printed and published in two of the newspapers published in said city, and in such other manner as the council may direct. The treasurer shall not overdraw any fund, but shall forthwith notify the chamberlain, in writing, when any fund is exhausted. The treasurer shall receive for his services such compensation, not exceeding one thousand five hundred dollars in each year, as the common council shall direct, and shall not receive for his services any other fee or reward whatever. And for any use, application or investment of the moneys of the city, other than as herein provided, such treasurer shall be deemed guilty of a misdemeanor and liable to indictment and punishment therefor as such.

Treasurer
not to
overdraw
any fund.

Salary.

Use of
money a
misde-
meanor.

§ 2. Section seven of title five of said act is hereby amended so as to read as follows:

Interest
on unpaid
taxes.

§ 7. All taxes and assessments that shall remain unpaid for sixty days after the date of the original warrant authorizing the collection thereof, shall bear interest at the rate of one per cent. per month, from the date of the warrant, and such tax and interest and the additional percentage required to be collected in section ten of title four, may be sued for and recovered by the city, against any person liable therefor.

§ 3. Section eight of title five of said act is hereby amended so as to read as follows:

Taxes or
assess-
ment, a
lien.

§ 8. Every tax or assessment, for whatever purpose imposed or charged upon any real estate within the city by virtue of any provision of this act or for county or State taxes and assessments, shall be a lien upon the real estate so charged respectively, for city taxes and assessments from the date of the signing of the warrant for the collection thereof, and for county and State taxes and assessments from the date of the signing of the warrant for the collection thereof for two years from the signing thereof, and if any tax or assessment or any part thereof for city or for county and State purposes, or for either city or county and State purposes shall be returned as unpaid by any officer authorized to collect the same, the common council of said city shall direct the city attorney to advertise and sell such real estate in the manner hereinafter provided. The attorney conducting such sales, for the full performance of his duty therein, shall be entitled to demand and have such fees as the council shall fix, not exceeding ten dollars for each parcel of land so ordered to be sold in case the sale thereof shall be stopped by payment after advertisement, and not exceeding twenty dollars for each parcel that shall be actually sold, and the remedy and proceedings herein provided to enforce the collection of such city and county and State taxes shall apply to and may be used and pursued for the collection of all taxes and assessments either for city or for county and State purposes now due and owing from any source for city, and also for county and State purposes.

Unpaid
taxes, etc.

Fees of
attorney.

§ 4. This act shall take effect immediately.

Chap. 216.

AN ACT to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to organize and establish a police for the city of Yonkers."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of the act entitled "An act to organize and establish a police for the city of Yonkers," passed March thirty-first, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 5. At the annual meeting of the common council in each year, or as soon after such annual meeting as may be, the mayor shall nominate, and by and with the advice and consent of the common council appoint a commissioner of police for the full term of four years to succeed the commissioner whose term shall expire in such year. Police commissioner.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. The board of police created by this act shall exercise within said city the powers and fulfill the duties connected with and incident to police government and discipline as hereinafter more especially provided. They shall select from their number one who shall be the president of the board. They shall appoint from their number a treasurer and secretary. They shall also have power to appoint a clerk who shall receive such compensation as the board may determine. Board of police.

§ 3. Section eight of said act is hereby amended so as to read as follows:

§ 8. Any vacancy occurring in the number of such commissioners, it shall be the duty of the mayor to nominate and by and with the advice and consent of the common council to appoint a suitable person to fill the vacancy so occurring; and the person so appointed shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill. Vacancies.

§ 4. Section twenty-four of said act is hereby amended by adding thereto the following words: The board of police may establish a school of instruction, with such rules and regulations as they may deem proper, and all newly appointed patrolmen shall be placed in such school before being assigned to their full duties, and any patrolman who, by want of knowledge of his duties, or who shall become indifferent in the execution thereof, may, in the discretion of the board of police, be assigned to the school of instruction and remain there during the discretion of the board of police. The salary of all patrolmen assigned to the school of instruction shall be at the rate of not less than eight hundred dollars per annum, but the rate may be increased from time to time by the board of police, as such officers so assigned shall exhibit proper progress in the knowledge of their duties, and a proper interest in the execution thereof in such school, provided, however, that the salary shall not be increased beyond the rate of twelve hundred dollars per annum. School for instruction of patrolmen.

§ 5. This act shall take effect immediately. Salary of patrolmen.

Chap. 217.

AN ACT to amend an act entitled "An act to renew the charter of the State road from the Orange turnpike to Nyack, in the county of Rockland," as passed April twentieth, eighteen hundred and thirty, as renewed June eighteen, eighteen hundred and fifty-three.

Passed May 13, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter two hundred and six of the laws of eighteen hundred and seventy-three is hereby amended so as to read as follows :

Trustees
of road.

Term of
service.

Succes-
sors how
appoint-
ed.

Gates.

Tolls.

§ 4. James I. Lydecker, Peter T. Stephens, Cornelius D. Seaman and Henry O. Hutton, of Clarkstown, Rockland county, and John I. Polhemus, of Orangetown, shall be and they are hereby appointed trustees of said road, with the same power and rights as were vested in the original trustees in the original charter for said road. The term of service of said trustees named herein shall be one year; and upon the expiration of the term of service of said trustees, or in case of a vacancy by death or otherwise, the county judge of said county of Rockland, with the supervisors of the said towns of Clarkstown and Orangetown, shall appoint successors to said trustees for the like term of one year, until the expiration of the time for which this charter has been renewed. Said trustees are hereby authorized to erect a gate or gates upon said road at such place or places, westerly from the location of the present gate, as they may deem best to secure most efficiently the collection of the tolls on said road; but nothing herein contained shall be so construed as to authorize the collection of more toll for one passage than is now allowed to be collected by the charter of said road. All acts or parts of acts inconsistent with this act are hereby repeated.*

§ 2. This act shall take effect immediately.

Chap. 218.

AN ACT in relation to certain highways in the city of Yonkers and town of East Chester, in the county of Westchester.

Passed May 13, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Term of
service of
commis-
sioners
to cease.

SECTION 1. The commissioners appointed to lay out, make and grade certain roads, under and pursuant to chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-nine, chapter three hundred and forty, laws of eighteen hundred and seventy, and chapter seven hundred and eighty-six, laws of eighteen hundred and

* So in the original.

seventy-three, and their successors, shall, after the passage of this act, cease to act as such commissioners, and all power, authority and duty imposed by virtue of said laws upon said commissioners and their successors in office shall cease and determine.

§ 2. Said commissioners and their successors shall, after the passage of this act, make a full report and account of all matters and things committed, done and performed by them by virtue of their authority under said laws, and present the same as soon as practicable to the mayor of the city of Yonkers and the supervisor of the town of East Chester, in said county of Westchester. Commissioners to report.

§ 3. Immediately after the passage of this act all authority, power and duties imposed upon said commissioners by virtue of said laws shall be transferred and imposed upon the mayor and common council of the city of Yonkers, as to all the roads lying within the corporate limits of the city of Yonkers, and upon the official authorities of the town of East Chester, as to all roads lying within the said town of East Chester. The city of Yonkers shall not be liable or responsible for any acts or defaults of the said commissioners, and, in respect to the roads lying in the city of Yonkers, the same shall be constructed only by assessment upon the property benefited thereby, and none of said roads shall be opened or constructed, except in the manner in which other streets in the city of Yonkers are authorized to be opened or constructed. Duties of commissioners transferred to mayor.

City not liable for acts of commissioners.

Roads to be opened and constructed.

§ 4. The several maps made by the said commissioners, upon which proceedings to collect assessments are based, shall be filed in the office of the clerk of the county of Westchester. The certificates of sales made by said commissioners by virtue of the laws hereinbefore recited shall be recorded in the treasurer's office of the county of Westchester, and the county treasurer shall issue such leases as may be required from purchasers, as provided by law, upon the presentation of the certificates of sale issued by the said commissioners. Maps for assessments.

Certificates of sales.

Treasurer to issue leases.

§ 5. This act shall take effect immediately.

Chap. 219.

AN ACT to authorize the city of Syracuse to borrow money and issue bonds of said city therefor, in payment of the floating debt of said city.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city of Syracuse is hereby authorized and empowered to borrow money and issue its bonds therefor, for the payment of the present outstanding indebtedness of said city. The common council of said city may direct the issue of said bonds for an amount not exceeding in the whole one hundred and twenty-five thousand dollars, for the sole purpose of paying with the proceeds of the same such indebtedness. All claims and accounts presented for payment, under the operation of this act, shall be passed upon, and be audited and sanctioned by the common council, before payment thereof is made. Said bonds to be in such form, and executed in such manner, as the City to bond \$125,000.

Audit of claims.

Bonds
payable.

common council shall direct, and payable in ten equal annual installments, and upon an annual or semi-annual interest, at a rate not to exceed seven per cent. per annum, provided, however, that they shall not be sold or disposed of by said common council for less than their par value.

By tax.

§ 2. The common council of said city shall provide by general tax for the payment of the principal and interest of said bonds, when and where they shall become due and payable.

§ 3. This act shall take effect immediately.

Chap. 220.

AN ACT to repeal an act entitled "An act in relation to the performance of labor upon the highways and bridges in the towns of Oyster Bay, Hempstead and North Hempstead, in the county of Queens, passed May thirteenth, eighteen hundred and seventy-three."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter four hundred and ninety-seven, laws of eighteen hundred and seventy-three, entitled "An act in relation to the performance of labor upon the highways and bridges in the towns of Oyster Bay, Hempstead and North Hempstead, in the county of Queens," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 221.

AN ACT to amend an act entitled "An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer," passed May fifth, eighteen hundred and seventy.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of the act entitled "An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh, in the county of Rensselaer," passed May fifth, eighteen hundred and seventy, is hereby amended so as to read as follows:

Notice of
warrant
for collec-
tion of
taxes.

§ 8. Upon the receipt of a warrant for the collection of taxes or assessments, said receiver shall forthwith advertise the same in one or more of the public newspapers published in said village of Lansingburgh, and post notices in at least ten public places in said town, stating when said warrant was received by him, and the length of time

that he will charge, respectively one-half, one and one-half, and two and one-half per cent. on the taxes to be collected by virtue of said warrant; such advertisement shall be continued once a week for two weeks.

§ 2. Section nine of said act is hereby amended so as to read as follows:

§ 9. The said receiver shall charge to the parties paying, and receive Fees. to his own use on all taxes and assessments paid to him within one month from the time he shall receive the warrant for the collection of the same, one-half of one per cent. as fees for collection; on all sums paid to him after said one month, and within forty-five days, one and one-half per cent.; and on all sums after forty-five days, two and one-half per cent.; and if any tax or assessment shall remain unpaid after the expiration of two months, the said receiver shall, within ten days thereafter, cause notice in writing to be given to the person, firm or corporation owing the same, residing or doing business in said town Taxes unpaid after two months. of Lansingburgh, either personally or by leaving the same at the residence of said person, or at the place of business of such person, firm or corporation, with some person of suitable age and discretion, which notice shall be deemed a compliance with the Revised Statutes, requiring every collector to call at least once on the person taxed, or at the place of usual residence, and demand payment of the taxes charged to him on his property; and he shall also send a notice by mail to such non-residents, as he may be able to ascertain the residence of; the said receiver shall charge and receive on all sums collected after two months, two and one-half per cent. fees for collection.

§ 3. Section ten of said act is hereby amended so as to read as follows:

§ 10. If, at the expiration of three months from the time the warrant and tax or assessment list shall be delivered to said receiver of taxes as aforesaid, any such tax or assessment shall remain unpaid, it shall be the duty of said receiver to forthwith issue his warrant for the collection of such tax or assessment, including said two and one-half per cent. fees to be added by said receiver, directed to the sheriff of the county of Rensselaer, or to any constable of said town of Lansingburgh, commanding him to collect the same, together with his fees for collection, which shall be the same as on an execution by distress and sale of the goods and chattels of the person, firm or corporation liable to pay the same, and to return said warrant within twenty days from its date. Warrant for collection to issue.

§ 4. This act shall take effect May first, eighteen hundred and seventy-seven.

Chap. 222.

AN ACT to authorize the supervisor of the town of Geneseo to insure the Geneseo Normal and Training School.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Geneseo, in the county of Livingston and State of New York, is hereby authorized and empow-

Supervi-
sor to in-
sure Gen-
eseo
Normal
School.

ered to procure and effect an insurance against loss or damage by fire, upon the buildings of the Geneseo Normal and Training School, for an amount not exceeding forty thousand dollars at any one time, in such companies and upon such terms as he may deem advisable, and to renew and continue the same from time to time, and such insurance, when so effected, shall be valid and binding upon the company or companies in which the same shall be effected, notwithstanding that the title to said buildings and premises is vested in the State of New York.

In the
name of
the Comp-
troller.

§ 2. Such insurance shall be made in the name of the Comptroller of the State of New York, but without any expense to the State of New York, and the policies issued therefor shall contain a provision that all loss or damage thereunder shall be payable to the supervisor of said town of Geneseo for the benefit of said town, and all moneys becoming due and payable upon said policies of insurance shall be paid accordingly.

Policies
payable to
supervi-
sor.

Expense
paid by
Geneseo.

§ 3. All expenses incurred in effecting and continuing such insurance shall be a charge upon the town of Geneseo, and shall be annually audited by the board of town auditors thereof, and assessed, levied and collected upon said town, and the moneys therefor, when collected, shall be paid to the supervisor of said town and accounted for by him as other town expenses.

§ 4. This act shall take effect immediately.

Chap. 223.

AN ACT to legalize the action of the justices of the peace and town clerk of the town of Westport, in the county of Essex, in holding their annual town meeting in eighteen hundred and seventy-six at the armory in the village of Westport.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official action of the justices of the peace and town clerk of the town of Westport, in the county of Essex, in opening and holding the polls of election, for town officers for the year eighteen hundred and seventy-six, at the armory in the village of Westport, is hereby legalized and confirmed, and the officers so elected at the annual town meeting, held at the armory in the village of Westport, on the seventh day of March, eighteen hundred and seventy-six, shall be deemed to be the officers for the town of Westport, and for the offices and terms for which they were respectively elected.

§ 2. This act shall take effect immediately.

Chap. 224.

AN ACT to authorize the supervisor of the town of Ellington, county of Chautauqua and State of New York, to convey certain lands in the village of Ellington, used for the last thirty years as a public park.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Ellington, in the county of Chautauqua, is hereby authorized and empowered to grant and convey to Samuel Griffith, Henry Haman and George Waith, who are by this act made and constituted a board of park commissioners, and to their successors in office, for a valuable consideration, to be therein named, all the right, title and interest of said town in and to a certain piece of land, which has, for the last thirty years or more, been used as a public park in the village of Ellington, said county, and described substantially as follows: Bounded on the south by the center of Main street, on the west by the center of West Park street, on the north by the center of North Park street, on the east by the center of East Park street, in said village of Ellington. And the title of said land, upon the completion of such purchase, shall be deemed to be vested in the inhabitants of the village of Ellington proper, or those owning property and living within the one mile limit, as heretofore surveyed for the incorporation of said village; and such inhabitants, who are legal voters, shall have power to fill vacancies in said board by ballot as the same may occur, from among the tax-payers of said village, upon a written or printed notice of six days prior to the happening of such vacancy, to be signed by such park commissioners and posted up in at least four public places in said village, stating when and where such election shall be held.

Supervi-
sor to
deed land
to Park
Commis-
sioners of
Ellington.

Title to be
vested in
village.

Vacancies
in board
filled.

§ 2. Said commissioners shall hold their office for one, two and three years, in the order in which they are named in this act, from the date of the passage of the same, and they shall have the sole and exclusive management of the said grounds, and shall have authority to receive and expend moneys already raised for the purposes of improving and beautifying the same. And each commissioner shall, before entering upon the duties of his office, execute and file a bond, in the office of the town clerk of said town, to the tax-payers of said village, conditioned for a faithful performance of the duties of his office, in the penal sum of two hundred dollars.

Terms of
office.

To give
bond, etc.

§ 3. This act shall take effect immediately.

Chap. 225.

AN ACT to legalize certain acts relative to the organization of school district number ten of the town of Newtown, Queens county.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of Isaac G. Fosdick, school commissioner for the second commissioner district of the county of Queens, and of the inhab-

itants and trustees of school district number ten of the town of Newtown, in said county of Queens, so far as said acts relate to the organization of said school district, and the proceedings of said inhabitants and trustees under such organization, are hereby legalized; but nothing herein contained shall affect any action or proceeding now pending.

§ 2. This act shall take effect immediately.

Chap. 226.

AN ACT to legalize the vote taken at the town election in and for the town of Lapeer, in the county of Cortland, to change the place of holding their next annual town election.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The vote taken at the town election held in and for the town of Lapeer in the county of Cortland, on February fifteenth, one thousand eight hundred and seventy-six, in relation to the removal of the place of holding their next annual town election, shall be in all respects valid and lawful as if the said vote had been taken by ballot.

§ 2. This act shall take effect immediately.

Chap. 227.

AN ACT to authorize and require Pardon Andrews, late collector of the town of Sardinia, in the county of Erie, to pay certain moneys, heretofore collected in pursuance of chapter four hundred and nineteen, laws of eighteen hundred and seventy-four, to the supervisor of the said town of Sardinia and to provide for the disbursement of the same.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collector
to pay
over
moneys
to super-
visor.

SECTION 1. Pardon Andrews, collector of the town of Sardinia, in the county of Erie, for the year commencing in March, eighteen hundred and seventy-four, is hereby authorized and required to pay over to the supervisor of the town of Sardinia, on or before the first day of July next, the sum of one thousand dollars heretofore collected by him, as such collector, for the purpose of aiding in the construction of a town hall in the said town of Sardinia, under and in pursuance of chapter four hundred and nineteen, laws of eighteen hundred and seventy-four, and such other sums as he has or may hereafter receive as interest on said money.

Supervi-
sor may

§ 2. The supervisor of the said town of Sardinia is hereby authorized and required to receive the said moneys from the said Andrews, and if

not paid at the time aforesaid to bring suit therefor, and pay out the moneys so recovered or received in the manner hereinafter set forth. sue for same.

§ 3. It shall be the duty of the board of town auditors of the said town of Sardinia in their discretion to audit and allow the claims of Welcome Andrews and others, relators, for expenses incurred and money paid out in certain proceedings in the Supreme Court of this State to review by certiorari the proceedings of the board of supervisors of Erie county, and others, under and by virtue of chapter four hundred and nineteen, laws of eighteen hundred and seventy-four, and also in their discretion to audit and allow all claims of the commissioners in said act mentioned for expenses incurred by them in defending said action or proceeding, and the amounts so audited and allowed shall be paid by the said supervisor out of the sum so paid by or collected from the collector aforesaid on the order of the said town auditor; provided, that the said claims shall be presented to the said board of town auditors on or before the first day of November, eighteen hundred and seventy-six. Town auditors to audit claims. Same to be paid by supervisor.

§ 4. The supervisor of the said town of Sardinia shall pay over the remainder of the moneys so received by him from said collector on the order of the commissioner of highways of said town. Balance of money received.

§ 5. This act shall take effect immediately.

Chap. 228.

AN ACT to authorize the commissioners of the town of Berkshire, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, to issue bonds for the purpose or raising funds with which to pay the bonds of said town, heretofore issued by virtue of said act of eighteen hundred and sixty-six.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the town of Berkshire in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, and their successors who may be hereafter appointed under and by virtue of said act, are hereby authorized, and it shall be lawful for them to borrow on the faith and credit of the said town of Berkshire, a sum not exceeding one-half the amount of the bonds falling due in the year eighteen hundred and seventy-seven, and in each year thereafter, which have been heretofore issued under the provisions of the said act authorizing their issue; but all such bonds hereafter issued, under and by virtue of this act, shall not exceed in the aggregate the sum of seventeen thousand five hundred and fifty dollars, and no bonds shall be issued by virtue of this act for a term extending beyond the year of eighteen hundred and ninety-six, for the payment thereof, and at a rate of interest not exceeding seven per cent. per annum. The bonds so to be issued may be issued in such denominations and payable at such places and at such time or times, not extending beyond the Commissioners to issue new bonds, etc. Issue not to exceed \$17,550. Payable.

To be
counter-
signed.

Disposi-
tion of
bonds.

Applica-
tion of
funds.

Validity of
bonds.

Bonds re-
deemed to
be cancel-
led.

time hereinbefore limited, and in such form as the said commissioners and their successors may, in their discretion, deem expedient. The bonds so issued shall be signed by the said commissioners and counter-signed by the supervisor of the town of Berkshire, who shall also keep an accurate account of their numbers, amount and the time when they will become due and payable.

§ 2. The said commissioners may, in their discretion, dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms as they shall deem most advantageous for the said town, but in no case for a less sum than the par value thereof; and the said commissioners shall apply the proceeds of the said bonds, so issued and negotiated, to the payment of the bonds of said town heretofore issued under and by virtue of said chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, as they become due and payable, and for no other purpose whatever.

§ 3. The bonds issued by virtue of this act shall be treated in all respects as though issued under the said act of eighteen hundred and sixty-six, and shall be governed in all respects by the provisions of said act, and the amendments thereto, and the duties of the commissioners of said town in respect thereto, shall be and continue the same in all respects as provided by said act, and the acts amendatory thereof. The bonds which may be redeemed and paid, shall in no case be reissued for any purpose whatever, and they shall be canceled by the said commissioners and delivered to the supervisor and by him destroyed.

§ 4. This act shall take effect immediately.

Chap. 229.

AN ACT to release the interest of the People of the State of New York in certain real estate in the city of Brooklyn, to Charles Golden.

Passed May 13, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Interest of
State to
certain
lands in
Brooklyn
released
to Charles
Golden.

SECTION 1. All the right, title, interest, and estate which the People of the State of New York have acquired by escheat in and to the following described real estate, situate in the city of Brooklyn, Kings county, whereof Charles Bohannon, late of the city of Brooklyn, and county of Kings, died seized, to wit: All that certain lot, piece or parcel of land situate in the city of Brooklyn, county of Kings, and State of New York, and bounded and described as follows: Beginning at a point on the southerly side of South Fifth street, distant one hundred and seventy feet westerly from Union avenue, and running thence westerly along South Fifth street twenty-five feet; thence southerly parallel with Twelfth street one hundred feet; thence easterly parallel with South Fifth street twenty-five feet; and thence northerly and again parallel with Twelfth street, and part of the way through a party wall, one hundred feet, to the point or place of beginning, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, is hereby released to Charles Golden, of the city, county and State of New York.

§ 2. Nothing in this act contained shall be construed to impair or ^{Rights not} affect the right in the said real estate of any heir-at-law, devisee, purchaser or creditor by judgment, mortgage or otherwise. ^{affected.}

§ 3. This act shall take effect immediately.

Chap. 230.

AN ACT to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada railroad company, and to issue other bonds in place thereof.

Passed May 13, 1876;—three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The railroad commissioners to subscribe for the town of Plattsburgh to the capital stock of the New York and Canada railroad company, are hereby authorized, if they shall deem it for the interest of said town, with the assent of the bondholders, to change the time for the payment of all the five hundred dollar bonds of said town, executed by them November first, eighteen hundred and seventy-five, being one hundred in number, by executing and delivering, and they are hereby authorized to execute and deliver, to the holder of said executed bonds, upon the surrender by him of said executed bonds to be destroyed, the same number of the bonds of said town, each for the same amount, bearing date the same day and payable at the same place and in the same years as said executed bonds, the principal on the first day of March in the same years as the same is made payable by said executed bonds, and the interest for the year eighteen hundred and seventy-six, on the first day of May and the first day of September, and thereafter on the first days of March and September in each year until the whole principal is paid. ^{Commissioners may retire bonds, and issue new ones.}

§ 2. Said commissioners shall, immediately upon receiving said old bonds, deliver said new bonds hereby authorized to be given in exchange for said old bonds to the holder of the same, and shall thereupon forthwith burn and destroy said old bonds; said bonds hereby authorized to be given by said commissioners shall have all the force, validity and effect of said bonds in exchange for which they are given. ^{Old bonds to be destroyed. Validity of new bonds.}

§ 3. This act shall take effect immediately.

Chap. 231.

AN ACT to make the office of supervisor in the county of Erie a salaried office, and to provide for the appointment and compensation of other officers of said board.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each supervisor elected for any town or ward in the county of Erie shall receive as compensation for his services as a mem- ^{Supervisors to re-}

ceive salary. ber of the board of county canvassers and as supervisor, an annual salary of two hundred dollars, besides travel fees at the rate of eight cents a mile for each mile actually traveled in going to and returning from the place of meeting once in each week during any meeting or session of the board, on the most usual route, and besides the fees now allowed by law for copying or extending their assessment roll, payable from the treasury of said county on the last day of the annual session of said board in each year. And no such supervisor shall receive any other or greater sum for his fees or services, except when employed and actually rendering service on any committee of said board by its direction, when said board is not in session, he may charge for and receive at the rate of three dollars for each day's service thus actually performed, except also for services rendered in towns which are by law a town charge.

Travel fees. Officers appointed by the board. § 2. The said board of supervisors may appoint a clerk, a sergeant-at-arms, and a messenger, at the commencement of each annual session, and said clerk may, with the advice and consent of said board, appoint two assistants, who shall hold their office until the commencement of the next annual session of said board.

Fees for assessment roll. Compensation of. § 3. The compensation of said clerk shall be eight hundred dollars per year, and the compensation of the assistants shall be three hundred dollars per year, and the compensation of the sergeant-at-arms shall be two hundred dollars per annum, and the compensation of the messenger shall be fifty dollars per annum, payable on the last day of the annual session of said board in each year.

Other fees. Audit and payment of officers' accounts restricted. § 4. It shall not be lawful for said board of supervisors to audit or allow, nor for the county treasurer of said county to pay, any other or greater sum than fourteen hundred dollars in any one year for the services of clerk and clerk hire for said board; and it shall not be lawful for said board to audit or allow, or for the county treasurer to pay any supervisor, clerk, assistant clerk, sergeant-at-arms or messenger any greater sums than is allowed by this act. Every offense against the provisions of this act shall be a misdemeanor punishable by a fine not less than fifty dollars, or imprisonment in the county jail not more than six months, or both such fine and imprisonment.

Offenses declared a misdemeanor. Supervisors not eligible to office in the gift of board. § 5. No supervisor of the said county of Erie shall be eligible to any office in the gift of the board of supervisors during his term of office as such supervisor.

§ 6. All acts or parts of acts inconsistent with this act are hereby repealed, so far as the same may relate to the county of Erie.

§ 7. This act shall take effect immediately.

Chap. 232.

AN ACT to permit the comptroller of the city of Buffalo to publish his statement of unpaid taxes.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The comptroller of the city of Buffalo shall, in the year eighteen hundred and seventy-six, cause his statement mentioned in section two of title seven of the charter of the city of Buffalo to be

published in pamphlet form at least ten days before the time when the lands therein described are to be sold.

§ 2. This act shall be of force only during the year eighteen hundred and seventy-six.

§ 3. This act shall take effect immediately.

Chap. 233.

AN ACT in relation to the city court of Yonkers.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all actions in the city court of Yonkers where the plaintiff in the summons or complaint shall claim fifty dollars or more, and shall recover less than fifty dollars, the plaintiff shall recover his disbursements, but no other costs in the action. In case of the dismissal of an appeal the respondent shall recover the same costs as upon an affirmance of the order or judgment appealed from. Costs recoverable in city court.

§ 2. An appeal may be taken from any order made by the city court of Yonkers, or by the city judge of Yonkers, and for the perfecting of any such appeal no security or undertaking on such appeal shall be required. Undertaking on appeal not necessary.

§ 3. This act shall take effect immediately.

Chap. 234.

AN ACT in relation to the collection of taxes in the towns of North Hempstead and Oyster Bay, in the county of Queens.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In case any taxes heretofore or hereafter to be imposed on lands in either of the towns of North Hempstead or Oyster Bay, in the county of Queens, shall remain unpaid, and the collector not be able to collect the same, he shall, at the time of delivery to the county treasurer of said county the account of taxes remaining due and unpaid, as required by section ten, article one, title three, chapter thirteen of part first of the Revised Statutes, also deliver to the said county treasurer a description of the lands on which the taxes remain so unpaid, including those on which the taxes may remain in arrear since and including the year eighteen hundred and seventy-three, to be copied from the assessment roll delivered to said collector by the supervisor of the town. It shall not be the duty of the county treasurer to forward such account to the Comptroller as now required by law. Collector to furnish treasurer description of lands on which taxes have not been paid, etc. Treasurer need not forward same to Comptroller.

§ 2. The county treasurer shall, upon the receipt of the same, examine such description or descriptions, and if he discover the same, or any one or more thereof, to be defective, he shall, within twenty days after the receipt thereof, return such defective description or descrip- Description to be examined by treasurer; if defective,

to be re-
turned to
supervi-
sor.

Correc-
tion.

Treasurer
to publish
descrip-
tion of
lands to
be sold.

Contents
of notice
of sale.

Notice to
be posted
in town
where
lands are
situated.

Proceed-
ings of
sale.

Term of
sale.

Proceed-
ings for
failure to
sell.

tions to the supervisor of the town in which the land so defectively described shall be situated, with written notice requiring him to have the same corrected, and the said lands accurately described.

§ 3. The said supervisor shall, upon the receipt of said notice, proceed to have the said parcels of land correctly and accurately ascertained and described, and if necessary may employ a surveyor for that purpose; and shall, within thirty days after the receipt of said notice, return to the county treasurer a true and accurate written description of each and every of said parcels of land.

§ 4. The said county treasurer, within fifteen days after the delivery to him by the collector of either of said towns of the account of unpaid taxes and description of the several parcels of land on which said taxes remain unpaid as provided by the first section of this act; or if the description has been referred to the supervisors of said towns, or either of them, then as to such towns or town, within fifteen days after a corrected description has been returned to him, as hereinbefore prescribed, shall cause a list of all unpaid taxes on real estate, situated in said towns of North Hempstead and Oyster Bay, or either of them, with the percentage and interest at twelve per cent. from the time said collectors are respectively required by law to make their returns and the expense of survey, if any, added, together with a description of the said several parcels of land, to be published in not more than two newspapers published in the town in which said lands are situated; or if there be no newspapers published in said towns, or either of them, then in not more than two newspapers published in an adjoining town or towns in Queens county once a week for four successive weeks, next preceding the day fixed for the sale of said lands in said towns, respectively. The said notice shall state, that if the said taxes, interest and percentage and cost of survey, if any, together with the cost of publication, which shall not exceed the sum of three dollars for each lot, and the charges of the county treasurer, which shall not exceed the sum of one dollar and fifty cents on each lot, be not paid to the county treasurer, at a place and on or before a day therein to be named, then the said lands will be sold at public auction on a day and at an hour to be designated in said notice, and at a place within the town where the said lands are situated, also to be designated in said notice, for the shortest period of time that any person or persons may offer to take the same in consideration of advancing the said tax, with the interest, percentage, expenses and charges, to the time of sale. The said county treasurer shall also cause a copy of said list and notice to be posted in at least six of the most public places in the town where the lands are situated, at least three weeks before the day fixed for the sale thereof, one of which places shall be the building used for the office of the town clerk.

§ 5. At the time and place mentioned in said notice, the county treasurer shall cause such lands, or such parts thereof as he may deem sufficient for the purpose, to be offered for sale by public auction for the payment of such taxes, or such part thereof as may be remaining unpaid, together with the percentage, interest and all expenses. The sale shall be for the shortest term of years for which any person will take the lands and pay the amount of tax, percentage, interest and expenses as above prescribed. Should the sale fail to be made as to any or all the parcels on the appointed day, by reason of their being no purchaser, or otherwise, the county treasurer shall adjourn the same from time to time, notice of which adjournment shall be published at least once as above provided, and be posted at the place of sale and at

the town clerk's office within forty-eight hours after such adjournment. The county treasurer shall be entitled to one dollar, in addition, herein allowed him, for each adjournment, which, together with the other expenses, shall be a charge upon the lands. At any time before the actual sale the proceedings shall be discontinued upon payment to the county treasurer of the amount due as above. The right of redemption within fifteen months from the day of sale, shall in all cases exist to the owner or owners of the premises sold, and the heirs, assigns and creditors of such owner or owners, in the same manner and to the same extent as is allowed by law in case of sale of real estate under execution, on payment, in case of redemption, to the county treasurer for the use of the purchaser or purchasers, or his or their legal representatives. Upon a sale being made the county treasurer shall give to the purchaser or purchasers a certificate in writing, subscribed by said county treasurer, containing the name of the purchaser or purchasers, a brief description of the premises sold, the terms for which the same were sold, the amount of the tax, with the interest and expenses, for which the sale was made, the name of the owner or owners of the premises according to the assessment roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises, in case the same be not redeemed. He shall, within thirty days after such sale, cause a duplicate of such certificate to be filed with the clerk of the county of Queens; and shall also cause a notice to be served on the owner or occupant of said lands and mortgagee, at least six months before he shall give a lease of the lands or premises so sold; and in case the owner or mortgagee cannot be found or be unknown, he shall serve such notice by publication in two newspapers, as hereinbefore described, once a week for three weeks successively, the first publication to be six months before a lease shall be given, and to be at the expense of said lands.

Treasurer's fees in case of adjournment of sale.

Discontinuance of proceedings.

Right of redemption.

Certificate of sale, etc.

Duplicate certificate to be filed with county clerk.

Service of notice of such sale.

Lands not redeemed.

Manner of obtaining possession.

Lease running over three years.

Indexing of leases by county clerk.

Erections may be removed, etc.

Record of certificates issued. Fees therefor.

§ 6. If the lands be not redeemed as provided in the last section, the county treasurer shall execute to the person or persons legally entitled thereto a lease of each parcel sold, for the term to which it was sold, the said term to commence at the expiration of fifteen months from the day of sale; which lease shall be presumptive evidence that the tax was legally imposed and the subsequent proceedings were regular. The person or persons holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law, in the case of sale under executions, and shall and may lawfully hold and enjoy the premises during the time specified in the lease against the owner and all persons claiming under him; provided, however, that unless the said lease, if for more than three years, shall be recorded in the Queens county clerk's office within thirty days after the delivery thereof, it shall cease to be valid, or operate as a lien upon the premises as against any purchaser or mortgagee of the premises in good faith for a valuable consideration and without notice. The said leases, when recorded shall be indexed by the county clerk in the name of the owner or owners of said land. The person lawfully holding such lease may, at or before the expiration of the lease, remove all erections put upon the said lands during the term; provided, that in doing so, he does no material injury to the said premises.

§ 7. All certificates given by the county treasurer under this act shall be recorded by him in a book to be kept in his office for that purpose, and he shall be entitled to a fee therefor of twenty-five cents, to be paid by the purchaser.

Interest in
case of
redemp-
tion.

§ 8. In case of redemption, interest on the amount of the purchase at twelve per cent., from the day of sale, shall be paid by the person redeeming.

Fees of
treasurer.

§ 9. The county treasurer shall be entitled to one dollar for each certificate, and two dollars for each lease given by him, to be charged against the land.

§ 10. All acts or parts of acts inconsistent with this act shall not be applicable to the towns of North Hempstead and Oyster Bay in the county of Queens.

Chap. 235.

AN ACT authorizing the supervisor of the town of Day, in the county of Saratoga, to reassess non-resident taxes rejected by the Comptroller.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Day, in the county of Saratoga, is authorized to reassess the taxes on non-resident lands rejected by the Comptroller and returned to Irving W. Guiles, supervisor of the said town for the year eighteen hundred and seventy-five, in the same manner as the said Irving W. Guiles was authorized to reassess such taxes by a resolution of the board of supervisors of the county of Saratoga, passed November thirteenth, eighteen hundred and seventy-five.

§ 2. This act shall take effect immediately.

Chap. 236.

AN ACT to authorize the supervisor of the town of Oyster Bay, county of Queens, and State of New York, to convey the right, title and interest of said town to a piece of land near Brookville, in said town, which has been used and occupied as the site of a school-house since eighteen hundred and twenty-seven.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervi-
sor to con-
vey lands
to school
district
number
three.

SECTION 1. The supervisor of the town of Oyster Bay, in the county of Queens, is hereby authorized and empowered to grant and convey to school district number three of said town, for such price or consideration as to such supervisor shall seem just and equitable, under the circumstances, all the right, title and interest of said town, in and to a certain piece of land which has been used and occupied as a site for a public school-house at Brookville, in said town, since eighteen hundred and twenty-seven, and is still so occupied by school district number three, of said town, and is substantially described and bounded as follows: Beginning at a stone on the easterly side of the public highway

leading through Brookville, in the town of Oyster Bay, and running thence south thirty-four degrees east two and thirty one-hundredths chains; thence south twenty-seven degrees east one and fifty-four one-hundredths chains, and thence south seventy-two and three-quarter degrees west to the said highway, and thence northerly by said highway to the said stone or place of beginning.

§ 2. This act shall take effect immediately.

Chap. 237.

AN ACT to confirm a deed from the trustees of the Lewis school fund, of the town of Lewisboro, in the county of Westchester, to Stephen S. Denton.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The deed bearing date the first day of March, in the year one thousand eight hundred and seventy-six, executed by the trustees of the Lewis school fund, of the town of Lewisboro, in the county of Westchester, to Stephen S. Denton, and recorded in the register's office of Westchester county, in liber nine hundred and twelve of deeds, page fifty, is hereby confirmed and declared valid, and shall have the same effect for all purposes as if it had been at its date duly authorized by legislative authority.

§ 2. This act shall take effect immediately.

Chap. 238.

AN ACT to authorize the commissioners of the town of Owego, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, to issue bonds, and with the proceeds thereof to pay the bonds heretofore issued by said town under and by virtue of said act.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the town of Owego, in the county of Tioga, appointed under and by virtue of chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, are hereby authorized, and it shall be lawful for them, to borrow, on the faith and credit of said town of Owego, a sum equal to one-half of the amount of the bonds issued under and by virtue of said act and falling due in eighteen hundred and seventy-seven, and each and every year thereafter, as the same shall fall due, for a term or terms not extending beyond the terms for which the bonds issued under said act, were, by said act limited to be issued at a rate of interest not exceeding seven per cent. per annum, payable annually, and to issue bonds therefor under their hands and seals. The bonds so to be issued may be in

Commis-
sioners to
issue new
bonds.

Time of
payment,
etc.

such sums and payable at such places and at such time not exceeding the time hereinbefore limited, and in such form as the said commissioners and their successors may deem expedient.

Disposi-
tion of
same.

§ 2. The said commissioners may, in their discretion, dispose of such bonds or any part thereof to such person or corporations, and upon such terms as they shall deem most advantageous for their said town, but for not less than par, and the money that shall be raised by the sale of said bonds shall, by the said commissioners, be applied to the payment of the bonds of said town heretofore issued under and by virtue of said chapter four hundred and thirty-three of the laws of eighteen hundred and sixty-six, or they may apply said bonds to be issued under this act, at not less than par, directly in payment of any of said bonds heretofore issued as the same may fall due.

Applica-
tion of
funds.

Bonds to
be treated
as if issued
under ori-
ginal act.

§ 3. The bonds so to be issued shall in all respects be treated and regarded as though originally issued under said act, and shall be governed in all respects by the provisions of said act and the amendments thereto; and the duties of the commissioners of said town in respect thereto shall be the same in all respects as provided by said act and the acts amendatory thereof. The bonds which may be exchanged or paid shall in no case be re-issued for any purpose whatever, and they shall be canceled by the said commissioner and delivered to the supervisor of said town of Owego, and by him destroyed.

Bonds ex-
changed
or paid to
be can-
celled.

Chap. 239.

AN ACT to release the interest of the People of the State of New York, to* certain real estate in the city of Brooklyn, county of Kings, to Marian Anderson.

Passed May 13, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
State to
lands in
Brooklyn
released.

SECTION 1. All the right, title and interest of the People of the State of New York, in and to those two certain lots, pieces or parcels of land situate, lying and being in the city of Brooklyn, in the county of Kings, one bounded and described as follows: Beginning at the northeasterly corner of Tenth street and Fifth avenue, running thence northerly along the easterly side of Fifth avenue, twenty feet, thence easterly on a line parallel with Tenth street and part of the way through a party wall seventy feet, thence southerly twenty feet to the northerly side of Tenth street, thence westerly and along said northerly side of Tenth street seventy feet; and the other bounded and described as follows: Beginning at a point where the northerly line of Degraw street intersects the westerly line of Hoyt street, and running thence westerly and parallel with Degraw street seventy-eight feet, thence northerly and parallel with Hoyt street twenty feet, thence easterly and parallel with Degraw street, and partly through the center of a party wall seventy-eight feet to Hoyt street, thence southerly along the westerly line of Hoyt street twenty feet, are hereby released to Marian Anderson, the widow of James Anderson, late of said city of Brooklyn, deceased, her heirs and assigns forever.

* So in the original.

§ 2. Nothing in this act contained shall be held or construed to affect the right, title, interest, claim or demand of any heir-at-law, devisee, grantee or vendee, or of any creditor by mortgage or other-wise. Rights of certain parties not affected.

§ 3. This act shall take effect immediately.

Chap. 240.

AN ACT to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and fifty-six, entitled "An act in relation to school district number six, in the town of Lyons, Wayne county," passed April seventh, eighteen hundred and fifty-six, and the several acts amendatory thereof.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of school district number six, of the town of Lyons, Wayne county, shall not have any right or power to incur, make, or create any liability or debt, or make any contracts or agreements, express or implied, for any purpose whatever, exceeding in the aggregate of all such debts, liabilities, contracts and agreements, the sum of two hundred and fifty dollars in any one year, without first having a vote of said district, at an annual or special meeting thereof, authorizing the same. This restriction shall not apply to contracts or agreements with teachers, janitor, librarian, or liabilities or debts for deficiency for fuel, or texts-books for exempts. Liabilities restricted.

§ 2. The fiscal year of said district shall end on the fifteenth day of November of each year; and it shall be the duty of said board of education, immediately thereafter, and before the succeeding first day of December, to make in writing, a full, accurate and detailed statement of all moneys raised or received by the said board, or any of the officers of said district, specifying the sources from which moneys were received, the amounts paid or agreed to be paid to any and every teacher, janitor, or other person, the cause or object of such payment; the amount of demands outstanding and audited against said district, with the names of the persons to whom the same were audited, or those claiming the same, and the objects or purposes for which the same were audited or claimed, together with the estimates of said board of education of the expenses or amounts necessary to be raised or voted by the said district for the succeeding fiscal year; and such other matters necessary to inform the inhabitants of said district of the pecuniary or fiscal condition of said district as the said board of education may deem proper to embody in such report. Said report shall be published once in each week in all the newspapers published in the village of Lyons, during the period between the first day of December and the succeeding third Monday of that month in each year. A failure on the part of said board of education to make such report shall be sufficient cause for the removal of the members thereof, or either of them, from the office of trustee of said district. Report to be made.
Contents of report.
Publication.
Failure to report.

Chap. 241.

AN ACT to amend chapter two hundred of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the town of Kinderhook to take a legacy under the will of Edward G. Miner, deceased."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred of the laws of eighteen hundred and seventy-five, entitled "An act to authorize the town of Kinderhook to take a legacy under the will of Edward G. Miner, deceased," is hereby amended so as to read as follows:

Persons to receive legacy to be appointed.

Town to elect trustees of Miner fund, etc.

Duties of trustees.

Certificate of election.

§ 2. The said town of Kinderhook is hereby authorized, empowered and directed to appoint some suitable person or persons to demand, receive and invest the said residuary estate and legacy, and all sums of money growing out of the same, as he or they shall deem best, which said appointment shall be by the vote of a majority of the electors of said town, at their next annual town meeting, and by the proper and legal certificate of such appointment or election. And said town of Kinderhook is further authorized, empowered and directed annually, at the annual town meeting of said town, to appoint some person or persons to be called "trustees of the Miner fund," to collect annually the interest and income of said residuary estate and legacy, and all sums of money growing out of the same, and appropriate the same as provided in said will and codicil, and to do all and singular the things required in the trust created thereby, which said appointment shall be by the vote of a majority of the electors of said town, at said annual town meetings, and said person or persons so appointed or elected shall receive the usual and legal certificate of such appointment and election; which said certificate shall be held and received in all courts and places as satisfactory evidence of such election, and of their authority to act as "trustees of the Miner fund," under and according to the provisions of said will and codicil.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT granting the right of way for the purpose of laying out a public highway over lands belonging to the State of New York situated on the west shore of lake Keuka, in the town of Jerusalem, in the county of Yates.

Passed, May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Right of way granted.

SECTION 1. The right of way is hereby granted for the laying out of a public highway over lands belonging to the State of New York, situated in the bay known as Brandy bay on the west shore of lake Keuka, in the town of Jerusalem, in the county of Yates, and adjoining lands of Sherman Williams, the location of the roadway to be subject to the

discretion and under the direction of the State Engineer and Surveyor, and a map of the road to be filed in the office of the State Engineer and Surveyor.

§ 2. This act shall take effect immediately.

Chap. 243.

AN ACT to authorize the repaving of Baggs square in the city of Utica, and to levy and collect the expense thereof.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Utica are hereby authorized to pass an ordinance for the repaving of Baggs square, in said city, so called, embracing the public street, square or area lying between and bounded by the easterly line of John street continued from the southerly side of Main street to the Mohawk river, northerly by said river, northwesterly by the northerly line of Genesee street extended from the southerly side of Whitesboro street to the Mohawk river, southerly by the southerly lines of Main and Whitesboro streets extended until they intersect, with a substantial sandstone pavement, with such crosswalks in and adjoining the same as may be directed, and to cause one-half the cost and expense of said improvement to be assessed and paid as follows: By causing the average expense upon each foot front of the lots or parcels of land on the said square or area to be ascertained, and each lot or parcel of real estate to be assessed with its portion of the cost and expense by multiplying its number of feet front into the average expense per foot. All the provisions of the charter of the city of Utica with the amendments relative to the levying of assessments and the collection and payment of the moneys thereon shall be applicable to the assessment list for this improvement. The remaining one-half of the cost and expense of said improvement shall be added to and collected with the tax levy of the present year and paid therefrom.

Repaving
author-
ized.

Assess-
ment for.

City char-
ter appli-
cable.

§ 2. This act shall take effect immediately.

Chap. 244.

AN ACT to legalize the official acts of Archibald Hance as notary public.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the acts of Archibald Hance, residing in the city and county of New York, and State of New York, done as notary public since the thirtieth day of March, eighteen hundred and seventy-five, to the thirtieth day of March, eighteen hundred and seventy-six, are hereby legalized and declared as legal and valid as if his commission as such notary public had not expired until the thirtieth day of March, eighteen hundred and seventy-six, but nothing herein contained shall affect any action or proceeding pending in any court of this State at the time of its passage.

§ 2. This act shall take effect immediately.

Chap. 245.

AN ACT to amend an act entitled "An act to provide for the purchase of a new school house site and erection of a new school house thereon, and for the sale of the present school houses and sites in school district number two of the town of Kinderhook, county of Columbia," passed April twenty-first, eighteen hundred and seventy-four.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act to provide for the purchase of a new school house site and erection of a new school house thereon, and for the sale of the present school houses and sites in school district number two of the town of Kinderhook, county of Columbia," passed April twenty-first, eighteen hundred and seventy-four, is hereby amended so as to read and the same shall hereafter read as follows:

Author-
ized to
borrow
\$7,500.

§ 1. The board of trustees of school district number two of the town of Kinderhook, Columbia county, shall have the power to borrow a sum of money not exceeding seven thousand five hundred dollars, and to expend the same in purchasing a new school house site in said district and in erecting thereon a new school house for said district, and in furnishing and fitting up the same for school purposes.

Chap. 246.

AN ACT to authorize the supervisor and railroad commissioners of the town of Otego, in the county of Otsego, to pay over and dispose of certain surplus moneys in the hands of said railroad commissioners, arising out of the sale of the railroad stock of said town.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad
commis-
sioners to
pay super-
visor.

SECTION 1. The railroad commissioners of the town of Otego, in the county of Otsego, are hereby authorized and directed to pay over to the supervisor of said town of Otego, on or before the first day of November next, all surplus moneys in their hands or under their control, arising out of the sale of the railroad stock of said town, after deducting and retaining in their hands out of said moneys sufficient to pay off all outstanding railroad bonds issued by said town.

Supervi-
sor to pay
county
treasurer.

Treasurer
to credit
amount,
and report
to super-
visors.

§ 2. The said supervisor of the said town of Otego is hereby authorized and directed to pay over to the county treasurer of Otsego county, on or before the tenth day of November next, all moneys received from the said railroad commissioners, as hereinbefore provided; and said county treasurer is authorized and directed to credit the same on receipt thereof, to the said town of Otego, and to report the same, with the amount thereof to the next annual meeting of the board of supervisors

of said county on the first day of its session. And said board of supervisors are hereby authorized and required at said meeting to deduct the amount so reported from the amount of town and county taxes properly chargeable to said town, and said amount shall be credited to said town upon its share of the general town and county taxes payable to the said treasurer for the then current year, and the balance only of the proper share or proportion of such taxes belonging to said town to pay shall be included in any warrant for the collection of taxes in said town to be issued by said board of supervisors. Said moneys shall be used and applied by the said treasurer for the same purposes, and in the same manner as though collected in the usual way and paid over to him by the collector of said town as part of the taxes of said town for that year.

Board to
deduct
from town
taxes.

Applica-
tion of
moneys.

§ 3. This act shall take effect immediately.

Chap. 247.

AN ACT to amend an act entitled "An act to provide for a public park in the city of Lockport."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter two hundred and seventy-eight of the laws of eighteen hundred and seventy-five, entitled "An act to provide for a public park in the city of Lockport," which reads as follows: "The tax required by section three of this act shall be assessed only upon the valuations of the real estate to be taxed, as fixed by the tax-roll of said city for the year eighteen hundred and seventy-four," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 248.

AN ACT to amend chapter one hundred and forty-five of the laws of eighteen hundred and seventy-six, entitled "An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two."

Passed May 13, 1876; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act authorizing the town of Venice, in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars to refund or pay a like amount of bonds

issued by said town in aid of the construction of railroads, in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two," is hereby amended so as to read as follows:

Supervi-
sor to is-
sue new
bonds.

Denomi-
nation,
payment,
etc.

Applica-
tion of
original
act.

§ 1. The supervisor of the town of Venice, in the county of Cayuga, is hereby authorized and empowered to execute, issue, and dispose of bonds of said town to the amount of sixty thousand dollars to refund or pay a like amount of bonds of said town issued in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two, entitled "An act to authorize any town in the county of Cayuga to borrow money for aiding the construction of a railroad or railroads, from Lake Ontario to the New York and Erie or Cayuga and Susquehanna railroad." Said supervisor shall issue said bonds, executed under his hand and seal, in such denominations as he shall deem best, payable in the city of Auburn or the city of New York, as may be for the best interests of said town, in such year or years as he may determine, not later, however, than the year eighteen hundred and eighty-six, with interest, payable semi-annually, at a rate not exceeding seven per cent. per annum; and he shall not dispose of said bonds at less than their par value. The bonds so issued, shall, in all respects, be treated and regarded as though originally issued under said act, and shall be governed in all respects by the provisions of said act and the amendments thereto; and the duties of the supervisor of said town in respect thereto, shall be the same in all respects as provided by said act and the acts amendatory thereof.

§ 2. This act shall take effect immediately.

Chap. 249.

AN ACT to amend chapter one hundred and forty-four of the laws of eighteen hundred and seventy-six, entitled "An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act authorizing the town of Genoa, in the county of Cayuga, to issue bonds to the amount of fifty thousand dollars to refund or pay a like amount of bonds issued by said town in aid of the construction of railroads, in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred and fifty-two," is hereby amended so as to read as follows:

Supervi-
sor to
renew
bonds.

§ 1. The supervisor of the town of Genoa, in the county of Cayuga, is hereby authorized and empowered to execute, issue, and dispose of bonds of said town to the amount of fifty thousand dollars to refund or pay a like amount of bonds of said town issued in pursuance of chapter three hundred and seventy-five of the laws of eighteen hundred

and fifty-two, entitled "An act to authorize any town in the county of Cayuga to borrow money for aiding the construction of a railroad or railroads, from Lake Ontario to the New York and Erie or Cayuga and Susquehanna railroad." Said supervisor shall issue said bonds, executed under his hand and seal, in such denominations as he may deem best, payable in the city of Auburn or the city of New York, as may be for the best interests of said town, in such year or years as he may determine, not later, however, than the year eighteen hundred and eighty-six, with interest, payable semi-annually, at a rate not exceeding seven per cent. per annum; and he shall not dispose of said bonds at less than their par value. The bonds so issued, shall in all respects, be treated and regarded as though originally issued under said act, and shall be governed in all respects by the provisions of said act and the amendments thereto; and the duties of the supervisor of said town in respect thereto, shall be the same in all respects as provided by said act and the acts amendatory thereof.

Denomination,
payment,
etc.

Applica-
tion of
original
act.

§ 2. This act shall take effect immediately.

Chap. 250.

AN ACT to provide for the compensation of members of the board of supervisors of the county of Oneida.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The compensation of each of the members of the board of supervisors of the county of Oneida shall be the sum of one hundred and fifty dollars annually, for all services rendered by them (except mileage and making the assessment rolls) in connection with the annual sessions of the board, including delivery of the assessment roll and warrant to the collector of their respective towns and wards, and which amount shall be in lieu of all other compensation for such duties.

Supervi-
sors to
receive
salary.

§ 2. Each member of said board shall also be entitled to receive from the county for his services in making one copy of the assessment roll of his town or ward, when required to be made by him, by laws applicable to the towns or cities in said county, including the extension of the tax list to be delivered to the collector or receiver of taxes, compensation at the rate of three cents for each written line for the first one hundred lines on said roll, two cents per line as aforesaid for the second one hundred lines, and one cent per line as aforesaid for all written lines in excess of two hundred. He shall also receive mileage at the rate of eight cents per mile, for once going to and once returning from his residence to the place where the sessions of the board shall be held, computing the distance by the usual traveled route.

Compensation for
making
copy of as-
sessment
roll, etc.

Mileage.

§ 3. Such members shall be entitled to the sum of three dollars each, for every day's service rendered by them respectively, at any special session of said board, or for any special duty assigned to them by said board, and mileage as provided in the last preceding section for such special session or service.

For spe-
cial ses-
sions.

§ 4. No other compensation, fee, charge, or allowance of any kind shall be made to any supervisor for his services chargeable to the county, and any supervisor who shall receive or vote for any allowance, in viola-

No other
compen-
sation.

Extra
compen-
sation a
misdeme-
anor.

Excep-
tion.

tion of this act, shall be deemed guilty of a misdemeanor, and shall on conviction, pay for the use of the county such penalty as the court having cognizance of such offense shall adjudge, not exceeding two hundred and fifty dollars. But nothing in this section shall forbid the payment to any member of said board of his actual expenses incurred in any investigation or other duty which may be lawfully committed to him by the board, and which shall require his attendance at any place away from where he shall reside, and five miles or more distant from the place where the board shall hold its session.

§ 5. All provisions of law conflicting with this act, so far as they relate to the county of Oneida, are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 251.

AN ACT to legalize the official acts of Frank L. Clark, a justice of the peace of the town of Prattsburgh, in the county of Steuben, and to allow him to take and file his oath of office.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts legal-
ized.

Existing
rights not
affected.

Oath of
office.

SECTION 1. All acts and proceedings by or before Frank L. Clark, as justice of the peace of the town of Prattsburgh, in the county of Steuben, since the first day of January, eighteen hundred and seventy-six, are hereby declared as valid and effectual as if he had taken and filed his oath of office within the time and in the form required by law; but this act shall not affect the rights of any party to any suit or proceeding commenced before the passage of this act.

§ 2. The said Frank L. Clark may, within twenty days after this act shall take effect, take and file his official oath as justice of the peace, and he shall thereupon be entitled to enter upon and discharge the duties of said office during the residue of his term.

Chap. 252.

AN ACT to authorize the common council of the city of Buffalo to appoint Jubilee Water Commissioners.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners,
appoint-
ment of.
Terms of
service.

Acts of
preceding

SECTION 1. The common council of the city of Buffalo may, on the first Monday in June, eighteen hundred and seventy-six, or as soon thereafter as practicable, appoint three jubilee water commissioners by ballot, for one, two and three years respectively; and the common council shall, in each and every year thereafter appoint one commissioner whose term of office shall be three years.

§ 2. The official acts and proceedings of the late acting board of jubilee water commissioners done and performed after January fifth,

eighteen hundred and seventy-five, are hereby declared to be as legal and valid as if said acting commissioners had been legally appointed. board legalized.

§ 3. This act shall not affect any action or proceeding now pending in any court of this State. Proceedings not affected.

§ 4. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 253.

AN ACT to repeal chapter four hundred and twenty-nine of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to authorize the sale of lands of* non-payment of taxes and for the collection of unpaid taxes in the county of Westchester,' passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof, passed March twenty-sixth, eighteen hundred and sixty-one, and May fifth, eighteen hundred and sixty-three, and April seventeenth, eighteen hundred and sixty-eight, so that all of said acts shall apply to the county of Richmond, as well as the county of Westchester," and chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-four, amending said chapter four hundred and twenty-nine of the laws of eighteen hundred and seventy.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter four hundred and twenty-nine of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the county of Westchester,' passed April sixteenth, eighteen hundred and sixty, and the acts amendatory thereof, passed March twenty-sixth, eighteen hundred and sixty-one, and May fifth, eighteen hundred and sixty-three, and April seventeenth, eighteen hundred and sixty-eight, so that all of said acts shall apply to the county of Richmond, as well as the county of Westchester," passed April twenty-first, eighteen hundred and seventy, and chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-four, amending said act, are hereby repealed; provided, however, that such repeal shall not affect or impair any pending actions and proceedings heretofore had or already commenced and still pending for the sale of lands for unpaid taxes, under said act, but such actions and proceedings shall be valid and binding, and shall be continued and carried out and completed under and in accordance with the provisions of said acts as if the same were not repealed. Pending action not affected.

§ 2. This act shall take effect immediately.

* So in the original.

Chap. 254.

AN ACT to provide for laying an additional main from the Loughberry water-works in the town and village of Saratoga Springs.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
to issue
bonds.

Interest,
etc.

Their de-
livery.

Sale.
Proceeds.

Use of
streets.

Lands to
belong to
village.

Lands
may be
taken by
appraisal.

Village
election to
precede
trustees'
action.

SECTION 1. It shall be the duty of the trustees of the village of Saratoga Springs, after the passage of this act, to issue bonds on the faith and credit of said village, to the amount of twenty-five thousand dollars, for the purposes hereinafter specified, which bonds shall bear interest at the rate of seven per cent. per annum, with interest coupons thereto attached, payable semi-annually, at such time and places as shall be designated in said bonds, but none of the said bonds shall be of greater denomination than one thousand dollars, or run for a longer time than twenty years. The said trustees shall, upon the execution of the said bonds, deliver the same to the water commissioners for the said village to be used by them as hereinafter provided.

§ 2. The water commissioners aforesaid shall sell the bonds at not less than their par value, and with the proceeds thereof shall lay or cause to be laid or constructed a new and additional main pipe of such size and construction as the commissioners shall, after consultation and professional advice, adopt, and on such route or course as they shall select, from the Loughberry water-works to Putnam street, or some other point within the corporate limits of the said village; and for such purpose they may use and occupy any of the streets, highways and alleys in the said village, and may take and appropriate such lands and real estate or rights and easements therein, as they may deem necessary for such purpose, which lands and real estate or rights and easements, therein as they may deem necessary for such purpose, which lands and real estate or rights and easements therein so taken and appropriated, shall thereafter belong to the village of Saratoga Springs, and be subject to the same management and control as the water-works of said village.

§ 3. In case the said commissioner shall be unable to agree with the owner or owners of any lands and real estate or rights and easements therein taken and appropriated by them for the purposes aforesaid, upon the value thereof, they may apply to any court of record in this State for the appointment of three appraisers to ascertain the compensation to be made therefor, who shall be appointed in the manner provided by chapter six hundred and twenty-three of the laws of eighteen hundred and seventy, entitled "An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs," and said appraisers shall conduct their proceedings and make their awards in the same manner and with the same effect as provided in said act, and all awards shall be paid by said commissioners out of the proceeds of the bonds authorized and issued in pursuance of this act.

§ 4. The said trustees shall take no steps in pursuance of the provisions of this act, until the same shall be approved by a majority of the voters of said village, voting at a special election to be called and held by said trustees as provided by section five of the charter of said village. But no person shall be deemed a voter under the provisions

of this act, unless his name shall appear upon the last assessment roll of said village. The ballots shall contain the words, "In favor of twenty-five thousand dollars for additional main for water," or "Opposed to twenty-five thousand dollars for additional main for water." If a majority of the ballots cast at such election shall contain the words, "In favor of twenty-five thousand dollars for additional main for water," the approval aforesaid shall be considered as given. A certificate of the result of such election shall be filed by said trustees in the office of the county clerk of Saratoga county, within five days after such election shall be held. In case at the election so held the approval aforesaid shall not be obtained, it shall be lawful for the said trustees to call and hold subsequent elections within two years after the passage of this act, in all respects to be called and conducted as prescribed for said first election; but no succeeding election shall be held within six months of the time of holding a preceding election under this act.

Qualifica-
tions of
electors.
Form of
ballot.

Election
to be cer-
tified to
county
clerk.

Subse-
quent
elections.

§ 5. This act shall take effect immediately.

Chap. 255.

AN ACT to authorize the common council of the city of Syracuse to construct a trunk sewer in Burnet, and other streets in said city, and to raise money to pay for the same.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Syracuse are hereby authorized and empowered, in their discretion, to construct a five or a six feet trunk sewer of brick, or partly five feet and partly six feet, as said common council may determine, in and through Burnet street, from Lodi street to James street, thence through James street to Pearl street, or from a point in Canal street near Lodi street through Canal street to and through Pearl street, and across Salina street and under the Oswego canal, and through or partly through Olive street, to Onondaga creek, with inlets and other fixtures necessary for the efficiency of said sewer, and for the proper drainage of that section of the city. Said sewer shall be constructed under the superintendence of the city surveyor and engineer, with such advisory engineering counsel as the mayor may select, and in accordance with the plan and map made by the sewer commissioner of said city, subject to the necessary modifications by direction of the common council of said city, providing that the cost and expense of said sewer shall not be paid out of this year's assessment and taxes.

Common
council to
construct
sewer.

City engi-
neer to su-
perintend
construc-
tion.

Proviso.

§ 2. To pay the cost of the construction of said trunk sewer, the common council of the city of Syracuse are hereby authorized and empowered to levy and collect the estimated expense of a thirty-six inch brick sewer upon the property which may be assessed as benefited by said sewer by the assessors of said city, in the manner as local taxes are levied and collected in said city, and the balance of the expense of constructing said trunk sewer, after deducting the amount estimated for the expense of a thirty-six inch brick sewer, shall be a general tax, and shall be levied and collected upon the taxable property of the city

Appor-
tionment
of ex-
pense.

Collec-
tion.

Work to
be let on
contract.

of Syracuse in the same manner as other general taxes are levied and collected, and in addition to the general tax levy for the year in which said sewer shall be completed and its expense assessed. The work shall be advertised for proposals, and the contract therefor shall be let pursuant to the provisions of the charter of the city of Syracuse, now in force, and no provision of the charter of said city shall be so construed as to conflict with the provisions of this act.

§ 3. This act shall take effect immediately.

Chap. 256.

AN ACT to authorize the common council of the city of Syracuse, to construct a trunk sewer in West Onondaga street in said city, and to raise money to pay for the same.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sewer in
West On-
ondaga
street

Dimen-
sions.

City engi-
neer to su-
perintend
construction.

Appor-
tionment
of ex-
pense.

Collec-
tion.

Work to
be let on
contract.

SECTION 1. The common council of the city of Syracuse are hereby authorized and empowered, in their discretion, to construct a trunk sewer of brick, or tile and brick, in West Onondaga street in said city, from Delaware street to the Onondaga creek, which sewer shall be three feet and nine inches in diameter, and of brick, from said creek to Russell street, and two feet and six inches in diameter from Russell street to Delaware street, either of brick or tile, as may be ordered, with inlets and other fixtures necessary for the efficiency of said sewer and for the proper drainage of that section of the city. Said sewer shall be constructed under the superintendence of the city surveyor and engineer, with such advisory engineering counsel as the mayor of said city may direct, and in accordance with the plan and map made by the sewer commission of said city, subject to necessary modifications by direction of the common council of said city. Providing the cost and expense of said sewers shall not be paid out of this year's assessments and taxes.

§ 2. To pay the expense of the construction of said trunk sewer, the common council of the city of Syracuse are hereby authorized and empowered to levy and collect the estimated expense of a twenty-four inch tile sewer upon the property which may be assessed as benefited by said sewer by the assessors of said city, in the same manner as local taxes are levied and collected in said city, and the balance of the expense of constructing said trunk sewer, after deducting the amount estimated for the expense of a twenty-four inch tile sewer, shall be a general tax, which shall be levied and collected upon the taxable property of the city of Syracuse in the same manner as other general taxes are levied and collected, and in addition to the general tax levy for the year in which said sewer shall be completed and its expense assessed. The work shall be advertised for proposals, and the contract therefor shall be let pursuant to the provisions of the charter of the city of Syracuse now in force, and no provision of the charter of said city or of any other statute shall be so construed as to conflict with the provisions of this act.

§ 3. This act shall take effect immediately.

Chap. 257.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivisions four, five, six and ten of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," are hereby amended so as to read as follows:

4. To apportion as such board may deem equitable, the expense of the construction of any public bridge (except on the Hudson river, below Waterford, and on the East river, or over the waters forming the boundaries of the State,) over a stream or other water forming the boundary line of counties, between the towns at such point, and in all such cases the said counties shall each pay not less than one-sixth of the expense of such bridge, and where the board of supervisors shall deem that the construction of such bridge is a general benefit to the county, and that the payment of two-thirds of the expense by the towns liable would be unjust to such towns, to determine what additional proportion of such expense should be borne by the respective counties; and to authorize any town, on the vote of the majority of the electors voting at any annual town meeting, or regularly called special town meeting to appropriate such a sum, to be raised as other bridge moneys are raised, to aid in the construction and maintenance of any bridge outside the boundaries of the town or county, but forming a continuation of highways leading from such town or county and deemed necessary for the public convenience.

Expense
of bridges
between
counties.

5. To provide for the care, preservation and reparation of any draw or other bridge (except on the Hudson river, below Waterford, and on the East river, or over the waters forming the boundaries of the State,) crossing a stream which forms at the point of crossing, the dividing line of counties, and the maintenance of which bridge is by law a joint charge on such counties or on the towns in which such bridge may be situated; and to severally apportion the charges for such care, preservation and reparation on the towns respectively liable therefor, or on the respective counties when liable.

Their care
and repara-
tion.

6. To authorize any town or towns liable for the erection, care, repair and maintenance, in whole or in part, of any bridge (except on the Hudson river, below Waterford, and on the East river, or over the waters forming the boundaries of the State) to erect, repair and maintain the same, and to borrow such sums of money, in the manner provided in subdivision twenty-nine of this section, as may be necessary for the purposes of such erection, repair and maintenance, and to pay any existing debt incurred in good faith by or in behalf of such town or towns for such purpose before the passage of this act. But no authority shall be exercised under this subdivision, except upon the application of a town liable to be taxed for such purpose, to be made by

Authority
from town
election.

vote of a majority of the electors thereof voting, at a regular town meeting, or at a special town meeting called for the purpose, or upon the application of the supervisor, by and with the consent of the commissioner of highways, town clerk and justices of the peace of such town. If any town, at a regular town meeting held between the first day of February, eighteen hundred and seventy-five, and the passage of this act, shall have elected commissioners for the purpose of building a bridge and providing money to pay for the same by the issuing of bonds or otherwise, such bonds not exceeding the amount authorized at such town meeting, are hereby authorized and declared valid ; but said bonds shall not be sold or otherwise disposed of for less than par. And the board of supervisors shall levy a tax on such town for the payment of such indebtedness at such times and in such amounts as may be necessary to meet the obligations incurred by said commissioners in pursuance of instructions given by such town at the time of electing said commissioners.

Width of highways. 10. To authorize the laying of highways of a greater or less width than is now required by law, and to alter by increasing or diminishing the width of highways now in existence.

§ 2. Section eight of said act is hereby amended so as to read as follows :

Compensation of members of the board. § 8. Supervisors, except in the counties of New York, Kings, Rensselaer and other counties where their annual salaries are now or may be hereafter established by law, shall receive from their respective counties for their services at the session of their respective boards and for services actually rendered in any investigation or other duty authorized by law and directed by the board of supervisors, but performed when the board shall not be holding a session ; compensation at the rate of three dollars per day, but not more than one day's service shall be charged for in any day, including the whole twenty-four hours. Each supervisor shall also receive from the county for his services in making the copies required by law of the assessment roll of his town or ward, including the extension of the tax list to be delivered to the collector or receiver of taxes, compensation at the rate of three cents for each written line for the first one hundred written lines on said roll and list, two cents per line as aforesaid for the second hundred lines, and one cent per line as aforesaid for all written lines in excess of two hundred. He shall also receive mileage at the rate of eight cents per mile for once going and returning from his residence to the place where the sessions of the board shall be held, by the most usual route, for each regular or special session held in pursuance of law.

Fees for making copies of assessment roll, etc.

Mileage.

No other compensation, fee, charge or allowance of any kind shall be made to any supervisor for his services, except such as shall be by law a town charge, and the following stated services shall be deemed town charges, and shall be paid for at the rates following, namely : for approving a collector's bond, one dollar, and mileage at the rate of eight cents per mile going and returning, for the distance actually and necessarily traveled to file such bond. For disbursing school moneys received from the county treasurer, such commission, not exceeding one per centum as the board of town auditors shall allow. For all other services required by law to be performed in the service of the town, and for which no compensation is otherwise provided, two dollars per day for each full day actually and necessarily spent in such service, and the actual and necessary expense of travel. Any supervisor who shall receive or vote for any allowance in violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction, pay for the use of the county such

Town charges and fees.

Other allowance a misdemeanor.

penalty as the court having cognizance of such offense shall adjudge, Penalty.
not exceeding two hundred and fifty dollars. And all provisions of law
inconsistent with this section are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 258.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," passed June five, eighteen hundred and seventy-five.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph eight of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," passed June five, eighteen hundred and seventy-five, is hereby amended to read as follows:

8. To authorize the consolidation in any town of two or more of the established road districts therein, and the division of any established road district into two or more; and to constitute the territory of any incorporated village into a separate road district, and to provide for the election or appointment of overseers of highways in such districts, and prescribe the manner in which the highway labor assessed and highway taxes collected in such consolidated or separate districts, shall be expended and accounted for, except that whenever an incorporated village shall constitute a separate and independent road district, the commissioners or superintendents of streets, or officers of said village, by whatsoever title or name called, whose duty it shall be to control, superintend and repair the streets therein, shall be the overseers of highways in said district.

Road districts, consolidation of.

Incorporated villages separate districts.

§ 2. This act shall take effect immediately.

Chap. 259.

AN ACT to legalize the acts of Amasa Stanton, justice of the peace of the county of Wayne.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of Amasa Stanton, justice of the peace of the town of Marion, in the county of Wayne, are hereby made and declared to be as legal and of the same force and effect as if the said

Amasa Stanton had taken and filed the Constitutional oath of office within the time required by law, and if he shall take and file such oath within fifteen days from the passage of this act, he shall be and continue in such office for the time for which he was elected, with the same power and effect as if he had taken such oath at the proper time, but nothing herein contained shall affect any action or proceeding now pending in any court of this State.

§ 2. This act shall take effect immediately.

Chap. 260.

AN ACT to reduce the penalties on unpaid taxes and assessments in the city of Yonkers, and to reduce the fees of the city treasurer and the receiver of taxes of said city.

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest
on re-
demption
of lands
sold for
taxes.

SECTION 1. The rate of interest to be paid upon the redemption of any lands which may hereafter be sold for non-payment of taxes or assessments in said city, is hereby reduced from fifteen per cent. per annum, to twelve per cent. per annum.

Fees of re-
ceiver of
taxes.

§ 2. The receiver of taxes shall be empowered to collect and receive in addition to all sums of taxes received and collected by him, the following sums as his fees for collecting the same, in lieu of all other commissions, namely: on all sums of taxes received and collected by him, within one month from the receipt by him of the warrant for collection thereof, one per cent. on every dollar; on all sums collected by him after one month and within two months, two per cent. on every dollar; on all sums collected by him after two months and within three months, three per cent. on every dollar; on all sums collected by him after three months and within four months, four per cent. on every dollar; and on all sums collected by him thereafter, five per cent. on every dollar. He shall collect and receive all assessments for one month after the receipt by him of the warrant therefor without commission, and thereafter he shall collect for his fees, in lieu of all other commissions, the same sums and at the same rates as are herein allowed for his fees for the collection of taxes.

Fees of
city treas-
urer.

§ 3. The fees of the city treasurer of said city in any assessment proceeding, shall in no case exceed one per cent. on the first ten thousand raised by such assessment, and one-quarter of one per cent. on all sums raised by such assessment in excess of ten thousand dollars.

§ 4. This act shall take effect immediately.

Chap. 261.

AN ACT to amend chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county," is hereby amended so as to read as follows:

§ 13. It shall be the duty of such receiver of taxes to render to the county treasurer in each and every year between the tenth and twentieth days of October, a full and final account of all taxes remaining unpaid, with the names of all persons against whom the same have been assessed, and a full and final account of all property upon which such taxes or assessments remain unpaid as ascertained by the assessment roll, with the percentages, interest and amount due thereon, to be computed as provided in this act; which final account shall be verified by the affidavit of the said receiver written thereon or annexed thereto, setting forth that the said account and all things therein contained is true and correct, and that the several amounts returned therein for unpaid taxes have not, nor has any or either of them, or any part thereof, been paid to or received by such receiver; which final account shall be retained by the said county treasurer and shall be filed by him in his office, and the unpaid taxes therein returned, with the percentage, interest and expenses, shall be collected as hereinafter provided.

Final account.

Must be verified.

Filed in office of county treasurer

§ 2. The fifteenth section of said* is hereby amended so as to read as follows:

§ 15. The county treasurer shall examine the account of unpaid taxes received from the receiver, and shall reject all taxes that shall be found to be charged on lands imperfectly described, or which cannot, from any cause whatever, be legally enforced, and shall deliver a transcript of such rejected taxes to the board of supervisors of Queens county at their next meeting, stating therein the cause of such rejection. In case the county treasurer shall have rejected any tax on account of any imperfect or inaccurate description of the land intended to have been assessed, the supervisor of said town shall, if in his power, add to the next assessment roll of the said town an accurate description of such land, and if necessary, he may cause the survey of such land at the expense of the town; and the board of supervisors when such description shall have been perfected, shall charge the lands and persons intended to have been assessed with the taxes in arrear, and shall add thereto the interest thereon at seven per cent. per annum,

Treasurer to examine.

In case of rejection.

* So in the original.

and shall direct the receiver of taxes to collect the same ; and such taxes in arrear and interest, when so reassessed, shall, for all purposes of this act, be considered as taxes of the year in which the description shall be perfected. If any part of such rejected taxes cannot be so reassessed, such part shall be assessed by the said board of supervisors on the real and personal property of the said town.

§ 3. Section sixteen of said act is hereby amended so as to read as follows:

Duties of county treasurer prior to sale.

§ 16. The county treasurer shall, at any time within twelve months after the time fixed for the final return of the receiver, cause a list of all unpaid taxes or assessments in said town, with the percentage and interest added, with the description of the premises contained in the assessment roll, to be published once a week for eight consecutive weeks next preceding the day fixed for the sale of said lands, in at least two of the newspapers published in said town, which shall represent both of the principal political parties into which the people of the country are at the time divided, together with a notice that if the said taxes, with the percentage and interest added and the expense of publication, including the county treasurer's charges, be not paid to the county treasurer on or before the day next prior to the appointed day of sale, such lands, plots or parcels of lands described in said notice will be sold at public auction, at the town hall in the village of Jamaica, at the time specified in said notice, for the shortest period of time that any person or persons may offer to take the same, in consideration of advancing the said tax, percentage, interest and expenses that shall have accrued thereon at the time of such sale ; and the county treasurer shall cause a copy of said list and notice to be posted in at least six of the most public places in said town, one of the said places to be the town hall, at least four weeks before the day fixed for the sale of said lands. If the amount mentioned in said notice and the expense of publication and the county treasurer's charges shall be paid to the county treasurer within the time limited by the said notice, the county treasurer shall deliver to the person making such payment a receipt therefor and all further proceedings shall be discontinued.

Discontinuance of proceedings.

§ 4. Section seventeen of said act is hereby amended so as to read as follows:

Proceedings on sale.

Terms of sale.

Right of redemption.

Certificate of sale.

§ 17. The county treasurer, at the time and place of sale mentioned in said notice, shall cause such lands and premises to be sold at public auction, for the payment of such taxes and assessments, or such part thereof as may be remaining unpaid, and the interest thereon, together with the expenses of advertisement and sale. The sale shall be for the shortest term of years for which any person will take the premises and pay the amount of tax or assessment, with the interest and expenses. The right of redemption in all cases of sale, within two years from the day of sale, shall exist to the owner of the premises sold, or any other person claiming an interest therein, by the payment of the amount bid at such sale, with interest at the rate of twelve per cent. per annum, calculated from the day of sale ; such payment to be made to the county treasurer for the use of the purchaser or purchasers, or the legal representatives or assigns of such purchaser or purchasers. Upon a sale being made, the county treasurer shall give to the purchaser or purchasers a certificate in writing, subscribed by said county treasurer, containing the name of the purchaser or purchasers, a brief description of the premises sold, the term for which the same was sold, the amount of the tax or assessment, with the interest and expenses for which the sale was made, the name of the owner or owners of the premises, if the

same shall appear on the assessment roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises, in case the same be not redeemed; and he shall cause every certificate of sale given by him under this act to be recorded, without charge or expense to the purchaser, in a book to be kept by the said county treasurer for that purpose. Certificate of sale to be recorded.

§ 5. Section eighteen of the said act is hereby amended so as to read as follows :

§ 18. In case the premises sold shall not be redeemed within the time limited for that purpose, the county treasurer shall execute and deliver to the person or persons legally entitled thereto, a lease of such premises, subscribed by said county treasurer, which lease shall be for the term for which such premises were sold, computing the same from the expiration of two years from the day of sale, which lease shall be presumptive evidence that such tax was legally imposed, and that the proceedings and sale were regular. The person or persons lawfully holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law relative to persons holding over any real estate sold under execution, and shall and may lawfully hold and enjoy the premises, during the time specified in the lease, against the owner or owners thereof, and all persons claiming under such owner or owners; provided, however, that no owner or owners whose deed, or (in case he holds by descent or devise) the deed of whose ancestor or deviser is recorded, before the sale, in the county clerk's office of Queens county, and no mortgagee, lessee or assignee, whose mortgage, lease or assignment is recorded before the sale, in the said county clerk's office, shall be divested of his right in the premises by reason of such sale, unless six months' notice of such sale shall have been given by the purchaser, or those claiming under him, to such owner, mortgagee, lessee or assignee, personally, or by leaving at his house, with some person of suitable age thereat, if a resident of such county, or if not a resident, then by depositing such notice in one of the post-offices in said county, directed to such owner, mortgagee, lessee or assignee, at his place of residence, as stated in the instrument under which he holds such interest as owner, mortgagee, lessee or assignee, for which notice one dollar shall be paid the purchaser in case the premises shall be redeemed, to be paid by the party redeeming; and an affidavit of the mode and manner of such service, with a copy of the notice served, shall be filed in the office of the county treasurer, and such affidavit shall be presumptive evidence of such service. Such owner, mortgagee, lessee or assignee may, at any time within two years from the day of sale, redeem the said land by paying to the county treasurer, for the use of the purchaser or purchasers at the sale, or their legal representatives or assigns, the sum paid, with the expenses and interest allowed by this act. The person or persons lawfully holding such lease may, at the expiration of the term, and within thirty days thereafter, remove all buildings put on the premises during the term, in the exercise of the right of occupancy under such lease. Lease, giving of. Possession of premises, how obtained. Proviso. How redeemed. Temporary buildings.

§ 6. After section twenty-seven of the act hereby amended the following sections are hereby added :

§ 28. The county treasurer shall be entitled to demand and receive, in case the proceedings be discontinued before the sale, in accordance with the provisions of the act as hereby amended, for the expense of publication, including all charges for printing, publishing and posting the notices of sale, and for his own charge, the sum of one dollar and fifty cents for every lot, plot or parcel separately assessed; in case of Fees of treasurer.

sale, he may charge and receive, for each lot, plot or parcel separately assessed and sold, the sum of two dollars and fifty cents; in case a lease is given, the said county treasurer may charge and receive the further sum of two dollars, to be paid by the person receiving such lease; and for making and certifying a search for unpaid taxes, sales for unpaid taxes, or redemption from such sale, the said county treasurer shall be entitled to demand and receive, for the search and certificate, one dollar; which fees, as herein provided, shall be in full for all charges of said county treasurer for services and expenses required under the provisions of the act as hereby amended.

Evidence
of pay-
ment be-
fore re-
turn.

§ 29. Whenever it shall be made to appear to the county treasurer, by affidavit or the production of the receipted bill, that any tax returned as unpaid was, previously to such return, paid to the receiver of taxes for the said town, the county treasurer shall cancel such tax on the books of his office, and deliver a certificate thereof to the person or persons applying therefor, for which the said county treasurer shall be entitled to receive the sum of one dollar, which shall be charged to and paid by the town of Jamaica.

Assess-
ment of
contigu-
ous lots of
one own-
er.

§ 30. In case several contiguous lots or pieces of land, having distinct numbers on the assessment map of the town, or on any farm map, or other map filed in the county clerk's office, shall belong to or be owned by the same person or persons, it shall be lawful for the persons owning such contiguous lots to deliver to the town assessors, or any one of them, on or before the first day of June in each year, a notice in writing, stating the map, numbers and location of the said contiguous lots, and that the same all belong to the same person or persons, and requesting the assessors to include all the said contiguous lots in one plot or parcel, and value and assess the same as one plot or parcel of land, and thereupon it shall be the duty of the assessors to value and assess the same as one plot or parcel, in accordance with said notice.

Bond of
receiver.

§ 31. The bond required from the receiver of taxes, pursuant to the provisions of section three of the act hereby amended, shall be in such penalty, not less than fifty thousand dollars, as the supervisors of the town for the time being shall direct; and the sureties shall severally justify under oath, to be indorsed upon said bond, in sums which together shall constitute at least double the amount of the penalty of the bond, to be approved by the supervisor of the town. If any person who shall become the surety for the receiver shall, by notice in writing, to be served on the supervisor, require the said receiver to renew his official bond, such person shall be discharged from any future liability as such surety from and after the settlement of the accounts of such receiver for money received by him, which settlement shall be made by the said receiver within thirty days after notice from the supervisor to that effect.

Rights of
sureties.

Deputy
receiver.

Appoint-
ment in
writing,
and filed.

Oath of
deputy.

Powers of
deputy.

§ 32. The receiver of taxes for said town may appoint some proper person deputy receiver, who shall hold his office during the pleasure of the said receiver. Such appointment shall be in writing under the hand of the receiver, and shall be filed in the office of the town clerk, and shall continue during the official term of the receiver, unless sooner revoked. Such deputy, before entering upon the discharge of his duty, shall take the oath required in the Constitution, and execute such bond, in the penalty and with the sureties required, for the honest and faithful performance of his duties; such oath shall be filed in the office of the town clerk of the town; such deputy shall have power to collect and receipt for the payment of taxes, but shall, in the exercise of his duties, be subject to the control and direction of the receiver, by whom

the compensation of such deputy shall be paid, and in no case to be chargeable to the town. Any default or misfeasance in office of such deputy shall be deemed to be a breach of the bond given by the receiver who appointed him. • Receiver responsible for.

§ 7. All parts or portions of the act hereby amended which are in conflict with the provisions of this act are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 262.

AN ACT to amend chapter two hundred and fifty-six of laws of eighteen hundred and seventy-four, entitled "An act to amend an act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May fifth, eighteen hundred and seventy."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and fifty-six of the laws of eighteen hundred and seventy-four, entitled "An act to amend an act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May fifth, eighteen hundred and seventy," is hereby amended so as to read as follows:

§ 4. Said commissioners of construction are hereby authorized, without application to them by petition of the inhabitants of said village and town to cause to be sprinkled with water, for the purpose of keeping the same free from dust, Broadway, Rail Road Place and Division street in the village of Saratoga Springs, and Union avenue in said village during such portions of the months of June, July, August and September, as they shall deem proper. It shall be the duty of said commissioners to advertise for proposals for the sprinkling of said streets and avenues in one or more of the daily papers printed in said village of Saratoga Springs, at least twice a week for two weeks successively, and such sprinkling shall be awarded to the lowest responsible bidder, who shall give good security for the faithful performance thereof. The cost and expense of sprinkling Broadway, Rail Road Place and Division street, shall be levied and collected in accordance with the provisions of section three of this act hereby amended. The said commissioners of construction shall, on or before the first day of November in each year, report to the supervisor of the town of Saratoga Springs, the cost and expense of sprinkling the said Union avenue, and said supervisor shall cause said cost and expense to be levied and collected in the same manner as other taxes are levied and collected in said town, but no greater sum shall be paid to any contractor than the said commissioners shall certify is due and payable upon such contract. Any contract entered into as herein provided, for the sprink-

Sprinkling of streets.
Proposals.
Expense.

ling of Union avenue, extending through the village and town aforesaid shall continue and be in force for the term of five years.

§ 2. This act shall take effect immediately.

Chap. 263.

AN ACT to amend chapter three hundred and eighty-five, of the laws of eighteen hundred and seventy-one, entitled "An act to establish a receiver of taxes and to authorize the sale of lands for the non-payment of taxes, and for the collection of unpaid taxes in the town of Newtown, Queens county."

Passed May 13, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourteenth section of chapter three hundred and eighty-five of the laws of eighteen hundred and seventy-one, entitled "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the town of Newtown, Queens county," is hereby amended so as to read as follows:

Verifica-
tion of
final ac-
count.

§ 14. The final account so to be rendered shall be verified by the affidavit of the said receiver written thereon or annexed thereto, setting forth that the said account and all things therein contained is true and correct, and that the several amounts returned therein for unpaid taxes have not, nor has any or either of them or any part thereof, been paid to or received by such receiver; which final account shall be retained by the said county treasurer, and shall be filed by him in his office, and the unpaid taxes therein returned, with the percentage, interest and expenses, shall be collected as herein provided. Upon receiving the said final account and on the payment to him of the money payable to such county treasurer by the said receiver, or of so much thereof as shall have been collected and received by the said receiver, and on the delivery to the said county treasurer of the certificate of the supervisor of said town that said receiver of taxes has fully paid and satisfied the several amounts directed in his warrant to be paid to the said supervisor, and to the several persons named in the said warrant, other than the said county treasurer, he, the said county treasurer, shall cancel and discharge the bond of the said receiver and deliver to him a certificate thereof, which certificate shall be filed in the office of the clerk of Queens county, and shall be a full release and discharge of said receiver and his sureties from all liability on the said bond.

Bond, how
discharg-
ed.

Chap. 264.

AN ACT to repeal chapter four hundred and sixty-eight, laws of eighteen hundred and sixty*-four, entitled, An act to extend and continue and amend the act entitled, An act to create a special highway district in the town of Elizabethtown, Essex county, passed May twelfth, eighteen hundred and sixty-nine.

Passed May 13, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter four hundred and sixty-eight, of laws of eighteen hundred and seventy-four, entitled, An act to extend and continue and amend the act entitled, An act to create a special highway district in the town of Elizabethtown, Essex county, passed May twelfth, eighteen hundred and sixty-nine, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 265.

AN ACT supplementary to chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-nine entitled, "An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan seminary, and to increase the capital stock of said seminary."

Passed May 13, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the commission named in section three of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-nine, entitled, "An act to authorize the levying of a tax upon the town of Gouverneur, in the county of St. Lawrence, for the benefit of the Gouverneur Wesleyan seminary, and to increase the capital stock of said seminary," passed April twenty-third, eighteen hundred and sixty-nine, to deliver to the supervisor of the said town of Gouverneur the bonds issued in pursuance of the provisions of said act and of chapter one hundred and seventeen of the laws of eighteen hundred and seventy-one, passed March sixteenth, eighteen hundred and seventy-one, and chapter three hundred and fifty-five of the laws of eighteen hundred and seventy-one, passed April seventh, eighteen hundred and seventy-one, amending the same, and which mature on the first day of February, in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one, eighteen hundred and eighty-two, eighteen hundred and eighty-three and eighteen hundred and eighty-four, upon the super-

Exchange
of bonds
directed.

* So in the original.

Issue of
new
bonds.

Payment
provided
for.

visor of said town delivering to said commission the bonds of said town of the same amount, form and denomination payable respectively on the first day of February, eighteen hundred and ninety-six, with interest coupons attached payable annually on the first day of February in each year. And it is hereby made the duty of the supervisor of said town, within sixty days after the passage of this act, to procure suitable blanks and issue, execute and deliver to the commission aforesaid the bonds issued in pursuance of this act, and cancel and destroy the bonds received from said commission in the manner now provided by law for the cancellation of town bonds.

§ 2. It shall be the duty of the board of supervisors of the county of St. Lawrence, to levy and collect upon the taxable property of the town of Gouverneur, a sum sufficient to pay the principal and interest of the bonds issued in pursuance of this act as they shall respectively become due.

§ 3. This act shall take effect immediately.

Chap. 266.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the better care of pauper and destitute children."

Passed May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter one hundred and seventy-three of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the better care of paupers* and destitute children," is hereby amended so as to read as follows :

Removal
of child-
ren from
poor-
houses.

§ 2. From and after the passage of this act it shall be the duty of the county superintendents of the poor, or other proper officers charged with the support and relief of indigent persons of the several counties of this State in which there are county poor-houses to cause the removal of all children between the ages of three and sixteen years (not exempted by the first section of this act) from their respective poor-houses, and also to cause the removal of those who may hereafter come under their care and control, or hereafter be born in such poor-houses, before they shall have arrived at the age of three years, and provide for their support and care in families, orphan asylums or other appropriate institutions, as now provided for by law, and the boards of supervisors of the several counties are hereby required to take such action in the matter as may be necessary to carry out the provisions of this act.

§ 2. This act shall take effect immediately.

* So in the original.

Chap. 267.

AN ACT further to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-one of article second of title one of chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State Commissioner in Lunacy," is hereby amended so as to read as follows:

§ 21. The Governor shall possess the same powers conferred upon courts of oyer and terminer in the case of persons confined under conviction for offenses for which the punishment is death. And whenever any person under sentence of death shall be declared insane and irresponsible, by a commission duly appointed for that purpose, the Governor may, in his discretion, order his removal to the State Lunatic Asylum for insane criminals, there to remain until restored to his right mind, and it shall be the duty of the medical superintendent of such asylum, whenever, in his opinion, said convict is cured of his insanity, to report the fact to the State Commissioner in Lunacy and a justice of the Supreme Court of the district in which said asylum is situated, who shall thereupon inquire into the truth of such fact, and if the same be proved to their satisfaction, they shall so certify it under their official hands and seals to the clerk of the court in which such convict was sentenced, and cause him, the said convict, to be returned to the custody of the sheriff of the county whence he came and at the expense thereof, there to be dealt with according to law.

Governor may remove convicts to State lunatic asylum.

Proceedings in case of recovery.

§ 2. Section six of title second of said act is hereby amended so as to read as follows:

§ 6. Any idiot, lunatic or person of unsound mind, seized of any real estate, or of any interest in any real estate or entitled to dower therein or to any term for years in lands, may, by committee duly appointed, apply to the Supreme Court or county court for the sale or disposition of the same in the manner hereinafter directed.

Sale of real estate of persons of unsound mind.

§ 3. Section first of title tenth of said act is hereby amended so as to read as follows:

§ 1. The Governor shall nominate and by and with the advice and consent of the Senate, appoint an experienced and competent physician, who shall be designated as the State Commissioner in Lunacy, who shall hold his office for five years and receive an annual salary of four thousand dollars and traveling and other incidental expenses not to exceed one thousand dollars, and a sum not to exceed two hundred dollars to pay office rent and fuel, to be paid on presentation of vouchers to the Comptroller.

State Commissioner in Lunacy to be appointed.

Salary.

§ 4. Section four of title ten of said act is hereby amended so as to read as follows:

Powers
and du-
ties.

§ 4. The said Commissioner is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers as belong to referees appointed by the Supreme Court, in all cases where, from evidence laid before him, there is reason to believe that any person is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated in any asylum, institution or establishment, public or private, for the custody of the insane; or whenever there is inadequate provision made for their skillful medical care, proper supervision and safe-keeping; and if the same shall be proved to his satisfaction, he is further empowered to issue an order in the name of the People of the State and under his official hand and seal, directed to the superintendent or managers of such institution, requiring them to modify such treatment or apply such remedy or both as shall therein be specified. And in case such order is disobeyed or negligently executed, the Commissioner may, and it shall be his duty to present such order with a statement of the facts duly verified upon which it was made to a justice of the Supreme Court, who may thereupon by order require such superintendent or manager to show cause before such or some other justice of the Supreme Court at a place in the judicial district where such asylum, institution or establishment is situated, and at a time specified in such order not less than two days after the service thereof, why an order should not be made directing performance of such order of the Commissioner, and on failure to so show cause, the said justice shall make such order, and for any disobedience of any order made pursuant to the provisions of this section, the same proceedings may be taken to compel performance thereof, or to punish for contempt for such disobedience as may be had for such purposes in civil actions.

§ 5. This act shall take effect immediately.

Chap. 268.

AN ACT to authorize the village of Little Falls, in the county of Herkimer, to provide for its indebtedness.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact, as follows:

Additional
tax au-
thorized.

Bonds for
same.

SECTION 1. The board of trustees of the village of Little Falls, in the county of Herkimer, are hereby authorized to raise upon the taxable property of said village, the sum of eight hundred and seventy dollars, to be added to the tax list of said village for the year eighteen hundred and seventy-six, in addition to the sum or sums now authorized by the charter and laws of said village to be levied, and said trustees are further authorized and empowered to issue the bonds of said village to the amount of two thousand dollars, said bonds bearing interest at a rate not exceeding seven per cent. per annum, interest payable annually, to be executed in the manner prescribed by the village charter, and to be due and payable in four equal annual installments, the first of which shall be due and payable in the year eighteen

hundred and seventy-seven, and one in each and every year thereafter until all are paid. The bonds so issued shall not be negotiated at less than their par value, and the money so raised shall be applied to the payment of the debt of said village of Little Falls.

§ 2. The said board of trustees shall cause to be raised by tax, upon the taxable property of said village the amount of said bonds and interest, as the same shall become due, by adding the amount thereof to the general tax for the ordinary expenses of said village. Payment of bonds.

§ 3. This act shall take effect immediately.

Chap. 269.

AN ACT to legalize the acts of Samuel Thomas, as a justice of the peace in and for the town of Farmersville, in the county of Cattaraugus.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of Samuel Thomas, as a justice of the peace in and for the town of Farmersville, in the county of Cattaraugus, since the thirty-first day of December, in the year one thousand eight hundred and seventy-five, are hereby declared to be legal and in every respect valid in like manner as though the said Samuel Thomas had been a duly elected or appointed justice of the peace, and in every respect duly qualified to act as such.

§ 2. Nothing herein contained shall affect any action or proceeding now pending, relating to such acts or in which such acts are in question.

§ 3. This act shall take effect immediately.

Chap. 270.

AN ACT to incorporate the Grand Army of the Republic Soldiers' Home of the State of New York.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Edward C. Parkinson and Judson A. Lewis, of Brooklyn, Willard Bullard and Benjamin F. Finley, of New York, John Palmer and Stephen P. Corliss, of Albany, Edmund L. Cole, of Troy, Reuben L. Fox, of Oneonta, Frank H. Sheppard, of Utica, Leander W. Fiske, of Boonville, Eugene B. Gere, of Owego, Seymour Dexter, of Elmira, William F. Rogers, of Buffalo, Morris F. Sheppard, of Penn Yan, and Albert H. Nash, of Geneva, in the State of New York, and six other persons (to be selected as hereafter provided), and their successors, to be selected and appointed as hereinafter provided, are hereby constituted a corporate body, under and by the corporate name of "The Grand Army of the Republic Soldiers' Home of New York," and, as Corporators.

such corporation, invested with all the powers, rights, privileges, duties, and liabilities provided by title third, chapter eighteen, part first of the Revised Statutes, so far as the same are applicable thereto.

Meetings
of corpo-
rators.

Majority
may act.

Election
of officers.

Terms of
service.

Additional
trustees.

Object of
organiza-
tion.

May own
real es-
tate.

Board of
trustees to
appoint
officers,
etc.

§ 2. The persons named in the first section hereof, within thirty days after the passage of this act, shall meet at the headquarters of the Grand Army of the Republic of the department of New York, at number one hundred and eleven Broadway, in the city of New York, ten days' notice of such meeting having been given to said persons by Edward C. Parkinson, above named, majority of the persons before named being in attendance shall be sufficient to transact business, and shall proceed to select, by ballot, six additional trustees of said corporation, making twenty-one in all, and thereupon said trustees, hereinbefore named and appointed, as aforesaid, shall proceed to elect, by ballot, from their own number, a president, secretary, and treasurer, whose term of office shall be for one year from the fifteenth day of January, eighteen hundred and seventy-six, and until their respective successors are chosen, and, upon said organization being completed, said trustees shall, in the presence of James Tanner, Commander of the Grand Army of the Republic of the department of New York, draw lots for terms of office, three to hold for one year, three for two years, three for three years, three for four years, three for five years, three for six years, and three for seven years respectively, from the fifteenth day of January, eighteen hundred and seventy-six, and in case any trustee be absent, said James Tanner shall draw lots for such absentee. After the expiration of such terms of office respectively, the succeeding full terms shall be seven years. That said James Tanner and the president of said trustees, shall make three certificates of the determination of the terms of office by lot, as aforesaid, one of which shall be filed in the office of Secretary of State of New York, one with the secretary of said trustees and one with the assistant adjutant-general of the Grand Army of the Republic for the department of New York, and the Governor and Comptroller of the State of New York, and commander of the Grand Army of the Republic of the department of New York, shall be additional members of said board of trustees, by virtue of their office.

§ 3. The object and purpose of said corporation shall be to provide a home or homes for the reception, care, maintenance and relief of soldiers and sailors who served in the union army or navy during the war of the rebellion, from the State of New York, and received an honorable discharge therefrom, who from any cause stand in need of the care and benefits of a soldiers' home, and to that end said corporation shall have power and authority to select a site or sites for said home or homes, to purchase lands therefor, and to be used in connection therewith, sufficient for the purposes thereof, to erect or purchase buildings, or contract for the erection of the same therefor, and do all things necessary and requisite in the premises, to receive and disburse funds, to take by gift, deed, devise, bequest or otherwise, any real or personal estate for the uses or purposes of said corporation, and shall have full power to grant, bargain, lease, incumber or dispose of the same, or any part thereof, provided, however, that all money arising from any such grant, lease, incumbrance or disposal, shall be appropriated to the objects and purposes of said corporation.

§ 4. The said board of trustees shall have power to appoint all officers, superintendents or assistants that they shall deem necessary for the proper management of said home or homes, and may remove them at their discretion, and shall also have the right and power to demand

and take from any person in their employ, in their corporate name, a bond, in such sum and with such sureties as they may determine, for the faithful performance of his duties, and accounting for all money or property placed in his care or control, or coming into his possession belonging to said corporation; and shall have power to make and adopt rules and regulations prescribing the duties of officers, superintendents and assistants appointed by them, and such rules and regulations as they shall deem necessary, from time to time, for the management and government of said home or homes, and the admission of inmates thereto, and the terms and conditions of such admission and shall also have power to expel from said home or homes any inmate thereof, for misconduct injurious to the good order of said institution, and they shall have discretionary power to decide upon the acceptance of every applicant for admission to the benefits of said home or homes.

§ 5. Said corporation shall annually, on or before the fifteenth day of January in each year, make a full detailed statement and report to the Comptroller of the State of New York of all money or other property received by it, and from what sources during the year ending on the thirty-first day of December, preceding said report, and for what purposes, in detail, the same has been expended, and how much money remains on hand on the first day of January preceding such report, the outstanding liabilities of said corporation, if any, in detail, as also a schedule of all property belonging to said corporation, other than money, on said first day of January, and the number of inmates of said institution, such statement and report to be duly verified by the treasurer of said corporation, and said report and statement shall be copied in a book kept for such purpose at said home or homes, and shall be open to the inspection of any person or persons, at all reasonable hours, who shall have contributed any sum to the maintenance or construction of said home or homes, as well as any trustee of said corporation or any officer appointed by it, and the Comptroller of the State of New York, or any person acting under his orders, and a duplicate copy of said statement and report shall, at the same time the same is filed with the Comptroller, be transmitted to the commander of the Grand Army of the Republic of the department of New York, and shall be by him presented to the next annual encampment of the Grand Army of the Republic of said department. Said corporation shall make such other reports to the Comptroller of the State of New York as he may require from time to time.

Annual
report to
Comptrol-
ler.

Duplicate
to com-
mander.

Comptrol-
ler may
require
other re-
ports.

§ 6. The board of trustees shall hold an annual meeting for the election of officers and transacting business, at such times as they shall prescribe by the by-laws of said corporation, and shall hold regular meetings as much oftener as their by-laws shall prescribe, and special meetings may be called by the president of the board, upon at least ten days' notice, by mail, to all the trustees upon the written request of any five trustees, stating the purpose of the meeting, at any time, the president shall call a special meeting in the notice thereof served by him, the purpose of such meeting shall be fully stated and no other business than that stated in said notice shall be transacted or entertained at such special meeting and the board of trustees shall have power to make and adopt and change the same as therein provided, by-laws regulating the manner of conducting its business, prescribing the duties of its officers, and all matters pertaining to the objects and purposes not inconsistent with this act or the Constitution of the State of New York.

Annual
election
of officers.

Special
meetings.

Notice
necessary.

Election
of trus-
tees.

§ 7. At the annual encampment of the Grand Army of the Republic of the department of New York held in January in each year, there shall be elected three trustees, by ballot, to take the place of trustees whose terms of office expire in said month and immediately upon their election a certificate thereof made by the commander of said department shall be filed in the office of the Secretary of State, and a copy with the secretary of said corporation and in the event no election shall be made by said encampment, or no encampment shall be held, it shall be the duty of the Governor of the State of New York to appoint three trustees, to take the place of those whose term of office expire, as aforesaid, and notify said corporation of their appointment, and in case of vacancy in said board of trustees, occasioned by death, resignation or removal from the State. It shall be the duty of said annual encampment to make an election in the same manner to fill the unexpired term, and in case of their failure as aforesaid, for the Governor to appoint in the same manner as above provided.

Vacan-
cies.

Treasurer
to give
bonds.

§ 8. The treasurer of said corporation shall, before entering upon the discharge of his duties, give bonds to said corporation for the faithful discharge of his duties, and the accounting for all moneys or other property that may be placed or that shall come into his possession, care or control belonging to said corporation, in such sum and with such sureties as the board of trustees shall direct, and they may require additional sureties, and a bond in a larger sum at any time.

Compensation
of trustees.

To have
no inter-
est in con-
tracts.

§ 9. No trustee of said corporation shall receive compensation for any services as such trustee or otherwise, except actual and necessary traveling expenses incurred in attending the meeting of the board of trustees, or attending to any business connected with the corporation, by the direction of the board of trustees, except the trustee who shall be elected and act as treasurer, who shall receive a reasonable compensation to be fixed by said board of trustees, neither shall any trustee be interested in any contract for the construction of buildings or furnishing of supplies, and any contract made wherein any trustee shall be interested directly or indirectly, shall be void, and for any trustee to become so interested or make any contract wherein he shall have some interest, shall be a misdemeanor, and upon conviction thereof he shall be liable to a fine not exceeding five hundred dollars or imprisonment in a county jail not exceeding three months or both, in the discretion of the court.

§ 10. This act shall take effect immediately.

Chap. 271.

AN ACT to amend the Revised Statutes in relation to laying out public roads and the alteration thereof.

Passed May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section sixty of article four of title one of chapter sixteen of the first part of the Revised Statutes is further amended so that said section shall read as follows :

§ 60. In all cases of the alteration of any road, or the laying out of any new road, the person or persons applying for the same shall serve a notice on the town clerk of the town, and on a justice of the peace and the commissioner or commissioners of highways thereof, asking for a jury to certify to the necessity of the same, and specifying a time not less than ten nor more than twenty days from the time of serving such notice when such jury will be drawn at the clerk's office of the town by the town clerk thereof, and shall notify in writing each of the owners or occupants through which such alteration or new road is proposed to be laid, of the time and place of drawing such jury, by personally serving such notice on such owner or occupant at least five days before the drawing of such jury, or by mailing a copy thereof at least eight days before such drawing to such owner or owners, in the manner prescribed by law for the service of legal notices. At the time and place mentioned the town clerk of such town, having received such notice that such jury is to be drawn, shall, in the presence of a justice of the peace or one of the commissioners of highways of the town, deposit in a box the names of all persons then residents of his town whose names are on the lists filed in said town clerk's office, of those selected and returned as jurors pursuant to article second, title four, chapter seven, part third of the Revised Statutes, who are not interested in the lands through which such road is to pass or be located, nor of kin to the owner thereof, and shall publicly, in the presence of such justice of the peace or commissioner, draw therefrom the names of twelve persons, and shall make a certificate of such names and the purposes for which they were drawn, and shall deliver the same to the person asking for the jury, and the applicant for such jury shall pay to the said town clerk one dollar for drawing such jury. The applicant for such road or alteration of a road, on receiving such certificate, shall deliver the same to a justice of the peace of the town wherein the road is to be laid, and it shall be the duty of such justice forthwith to issue a summons to one of the constables of said town directing him to summon the persons named in said certificate, specifying a time and place in said summons at which the persons to be summoned shall meet, which shall not be less than ten nor more than twenty days from the issuing thereof; and in case the owner or owners of any of the lands through which said road or alteration is proposed to be located shall be a non-resident, it shall be the duty of such justice to notify such owner or owners by mail, at least eight days before the meeting of such jury, of the time and place of such meeting, and if any person so summoned to attend as a juror shall neglect or refuse to attend at the time and place designated in such summons, the person or persons so neglecting or refusing to attend shall be liable, unless a sufficient excuse be established, to pay a fine of five dollars, which shall be sued for and recovered by the overseers of the poor of said town, and such fine shall be applied by them to the support of the poor thereof. If nine or more of the persons shall have been so drawn not interested in the lands through which the road is to be laid, nor of kin to the owners thereof, shall appear at the time and place specified in the summons, they shall then be sworn by the justice of the peace who issued such summons well and truly to certify as to the necessity of the highway applied for, and if such justice of the peace shall refuse or neglect to attend at the time and place mentioned in said summons, such oath may be administered to such jurors by any other justice of the peace of said county; and the justice of the peace swearing such jury shall receive therefor from such applicant the sum of two dollars. Such

Notice for
jury.

Owners or
occupants
to be no-
tified.

Drawing
of jury.

Summon-
ing of jury.

Where
owner or
occupant
is a non-
resident.

Failure of
jurors to
attend.

Oath to
jury.

Proceed-
ings of
jury.

Pay of
jury.

Costs.

When
commis-
sioners to
decide.

Proceed-
ing not
affected.

jury shall then personally examine the route of such highways, and shall hear any reasons that may be offered for or against such proposed route or alteration. If nine or more of the number thereof shall be of opinion that such highway, or alteration of a highway, is necessary and proper, they shall make and subscribe a certificate in writing to that effect, which shall be delivered to the commissioners of highways of the town. But if such number thereof shall not certify that such road or alteration is necessary, then no application for such road or alteration shall be made again in three months. Every juror shall be entitled to receive for his services as such juror the sum of fifty cents, to be paid by such applicant, and the constable who may summon such jury shall receive therefor, from such applicant therefor, ten cents for summoning each juror summoned, and ten cents a mile for each mile actually and necessarily traveled in summoning such jury, in going from and returning to his place of residence therefor. If nine or more of such jurors shall make a certificate that such highway or alteration is necessary and proper, then the cost of such proceeding as hereinbefore provided shall be a charge against such town in favor of such applicant. The commissioners of highways shall decide upon such application for such road or alteration within thirty days after the decision of the jury, by an order in writing, which shall be filed in the office of the town clerk of such town.

§ 2. This act shall not affect any proceedings in relation to the laying out of any highway instituted under chapter four hundred and thirty-one of the laws of eighteen hundred and seventy-five, nor to any pending proceedings of appeal therein.

Chap. 272.

AN ACT to amend an act entitled "An act to amend the charter of the village of Canajoharie," passed April twenty-first, eighteen hundred and forty-one, and to repeal part of an act entitled "An act to incorporate the village of Canajoharie," passed April thirtieth, eighteen hundred and twenty-nine.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of an act entitled "An act to amend the charter of the village of Canajoharie," passed April twenty-first, eighteen hundred and forty-one, is hereby amended to read as follows:

Opening
of streets,
etc.

§ 1. The trustees of the village of Canajoharie, in addition to the powers conferred upon them by the act entitled "An act to incorporate the village of Canajoharie, in the county of Montgomery," passed April thirtieth, eighteen hundred and twenty-nine, shall have power to lay out and open new streets, and to regulate, clean, keep in repair, alter and widen the streets, alleys and highways in said village; provided, however, that in no case shall any street be laid out, opened, altered or widened, where the amount for damages to be assessed shall exceed that for benefits to be apportioned to an amount greater than the sum of five hundred dollars; and also to commute for damages

which may accrue to any person or persons in consequence of such laying out, opening, altering or widening any of the streets of said village; and also to apportion said damages, or any part thereof, upon persons owning lots which are benefited by such widening, altering or laying out and opening, any of the streets, alleys, or highways of said village; and in case of a disagreement between the said trustees and the person or persons aforesaid, either as to the amount of damages or the apportionment of the same upon the owners of lots so benefited as aforesaid, that then, and in that case, said trustees shall apply, upon a notice of not less than eight days, to some court of record, as prescribed by law, for the appointment of three commissioners to ascertain the damages so claimed, or to apportion the same. The said commissioners, having been duly appointed, shall enter upon the performance of their duties without delay; shall each take and subscribe an oath, before some officer authorized to administer oaths, faithfully, honestly, and impartially, to perform their duty in making such ascertainment and assessments according to the best of their ability; and shall give notice of the time and place of their meeting to make such ascertainment and assessments, by publishing the same once in the newspaper or newspapers printed in said village, or by giving at least three days' notice to the party or parties interested in such ascertainment or assessment. At the time and place so appointed for their meeting they shall view the premises, and, in their discretion, receive any legal evidence; and may, if necessary, adjourn from day to day. They shall determine and award to the owner or owners, so claiming damages as aforesaid, such damages as, in their judgment, such owner or owners will sustain by such improvement. After making due allowance for any benefit such owner or owners may derive therefrom, they shall, at the same time, assess and apportion the said damages, if any, of such improvement on the real estate, and against the persons benefited thereby, as nearly as may be, in proportion to the benefit resulting therefrom. But if the whole of such damages cannot justly and equitably be assessed on the real estate, as above provided, then the said commissioners shall only assess such portion thereon as, in their opinion, will be equitable and just, and the balance thereof they shall assess to be paid by a general tax upon the village; and such balance shall thereupon become a charge upon said village, and shall be added to and raised with the next general tax and assessment for village purposes; and the same shall be paid to the persons entitled thereto as soon as the same shall be collected as above provided; the determination and assessment of the commissioners signed by all of them, shall be returned to the trustees within twenty days after their appointment; if either of the commissioners shall be unable to serve from sickness or other cause, the trustees may, at any time, without further notice, make application to some court of record to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. After the determination and assessment of the commissioners shall be returned to the said trustees, they shall give notice, in writing, to the owner or owners, that, at a time and place to be specified in said notice, the same will be confirmed, unless objection thereto be made by some interested person. All such objections shall be made in writing, and filed with the clerk. If no objection shall have been filed, such determination and assessment may, in their discretion, be confirmed by said trustees, and the same shall be final and

Proceed-
ing in case
of disa-
greement
as to dam-
ages.

Appoint-
ment of
commis-
sioners to
ascertain
damage.

How com-
missioners
shall pro-
ceed.

Court to
fill vacan-
cies.

Notice of
confirma-
tion of re-
port.

Proceed-
ings there-
on.

conclusive, or the same may be annulled; but if objection shall have been filed as aforesaid, the person filing the same shall have a right to be heard in regard thereto, and the trustees shall cause notice, in writing, to be served on the person filing said objections, that, on a day specified in said notice, they will apply to some court of record for an order of confirmation of said report; and said court shall thereupon either confirm such determination and assessment or annul the same. If said court confirm the same, it shall be final and conclusive; but if it annul the same, it shall refer the matter back to the same commissioners, or to five others to be appointed on application without further notice by said court. The commissioners shall proceed, in all things, in the making and returning of the second assessment, as though it was the first; and the trustees shall proceed thereon as though it was the original assessment. If the court shall confirm the second assessment, the same shall be final and conclusive on all parties interested; but if it annul the same, then all proceedings in relation to the matter shall be null and void. After the final confirmation of such determination and assessment, the same shall be filed in the office of the village clerk; and thereupon the said trustees are authorized to cause such improvements to be made and completed.

Trustees
and the
fire de-
partment.

§ 2. The second section of the said act passed April twenty-first, eighteen hundred and forty-one, is hereby amended to read as follows:

Election
of engi-
neer, etc.

§ 2. The board of trustees shall have power to appoint one or more companies of firemen, one or more hook and ladder companies, and one or more hose companies, which shall constitute the fire department of said village; to determine the number of members which shall compose each company; to remove in their discretion any officer of the fire department and any member of either of said companies, and to make rules and regulations for the government of the fire department, and of each and every of said companies, and for the performance of their respective duties. The members of the several companies comprising the said fire department, shall annually at such time or times and in such manner as the board of trustees shall designate, vote for a chief engineer and one or more assistant engineers, and a treasurer of the fire department of said village, and the persons receiving the highest number of votes for such office respectively shall be appointed thereto by said trustees, unless in their judgment, for any cause, he ought not to be thus appointed; and in case of such rejection it shall be the duty of the trustees to order a new election, and at such new election the person or persons thus rejected shall be ineligible, and all votes given for him or them shall be null and void and not counted.

Election
of fore-
man, etc.

The several companies shall each select their own foreman and other company officers. The treasurer of the fire department shall execute and deliver to the president of the board of trustees his bond, with one or more sureties, and in a sum to be approved by said president of the board of trustees, for the faithful discharge of the duties of his office; he shall receive from the different insurance companies doing business in said village the amounts to be paid by said companies to such treasurer for the benefit of the fire department of said village as provided by law, and shall upon receipt of the same, forthwith pay to the treasurer of each company out of said sum so secured by him the amount which each is respectively entitled to receive, which sum so to be paid shall be apportioned pro rata according to the number of active members belonging to each of said companies. And for that purpose the secretary of each company shall, the first week in January in each year, furnish and deliver to said treasurer, under oath, a list or state-

Treasurer
to give
bonds.

Moneys
received
from in-
surance
compa-
nies.

ment of the number of active members on the roll of said company at the date thereof. The chief engineer of the fire department shall, under the direction of the president and trustees, have the general superintendence and custody of the fire engines, engine houses, hooks, ladders, hose and other fixtures, apparatus and conveniences for their preservation, and for the extinguishment of fires. It shall also be his duty to see that the same are kept in proper order and to make a quarterly report to the president, of their state and condition and of the state of the fire department, and a detailed report one week before the annual election. It shall also be his duty to be present at fires of buildings within said village, and to take command of the fire companies, hose companies, and hook and ladder companies, and the general control of the apparatus for extinguishing fires. He shall also have such other powers and perform such other duties as the board of trustees in their by-laws and ordinances may prescribe. The assistant engineers shall aid the chief engineer at all fires; and in case of the absence of the chief engineer, the powers and duties of his office shall devolve upon and be discharged by the assistant engineers. The president and trustees, the chief engineer or fire wardens, may keep all idle and suspicious persons away from any fire in said village, and may require the inhabitants of said village, or any bystanders, to form ranks or lines to carry water for the extinguishment of any fire in said village and to aid the firemen in working their engines, hooks, ladders and hose, and in removing and protecting property thereof; and if any member of the fire department, or any other person, during the time of any fire in said village, neglect or refuse to obey the order of such chief engineer or assistant engineers, or if any inhabitant or bystanders refuse or neglect to obey the order of the president, or any trustee, or fire wardens, given under the above named authority, such person shall be subject to a fine of ten dollars, to be sued for and recovered in the name of the corporation, and paid into the corporation treasury for the benefit of the fire department of said village. The members of said fire department, while they continue to be such members, and those who have faithfully served as such for five years, shall thereafter be exempt from services on juries out of the corporation, or in militia, except in case of war, invasion, riot, or insurrection. The said trustees shall also have power to control the highway labor to be laid out on the road within the corporation and to renew from time to time collectors' warrants issued by said trustees or their predecessors in office.

Duties of
chief en-
gineer.

Assistant
engineers.

Powers of
trustees
and others
in cases of
fire.

Exemp-
tions of
members.

§ 3. The third section of the same act passed April twenty-first, eighteen hundred and forty-one, is hereby amended so as to read as follows:

§ 3. The board of trustees shall in each year make a careful estimate of the village expenses for all purposes including highways, streets, bridges, cross-walks and sewers, which estimate shall not make a total exceeding four thousand dollars, the board of trustees shall, for said several purposes have power to raise by tax in each year, such sum of money as they deem proper, but not exceeding four thousand dollars. The board of trustees may also in any year, raise by general tax such further sum as shall have been voted by a majority of the freeholders and inhabitants of said village entitled to vote, and voting on a proposition to raise such additional tax at an annual or special meeting called for that purpose, the vote on such proposition shall be taken by ballot, which shall be indorsed "tax" and shall have on the inside the words "for the tax" or "against the tax." The clerk shall give at least ten days' notice of any such election or meetings by publishing

Limita-
tion of tax
for village
purposes.

Addi-
tional
amounts,
how
raised.

Notice of
election.

Proceed-
ings in
case tax is
voted.

such notice in the newspapers published in said village; and by posting such notices in at least five of the most public places in said village, which notice shall distinctly state the object or objects, and each of the objects of such an election or meeting; all the provisions of this act in any way applicable to any annual election in said village, or to the ascertainment of the result thereof, shall be applicable to said tax election or meetings and the ascertainment of the result thereof, so far as the same can be adapted thereto; the tax hereinbefore mentioned may be raised and collected in one or more assessments as deemed expedient by the trustees. That the said moneys so to be raised by tax as aforesaid, shall be assessed upon the freeholders and taxable inhabitants of said village, and the property therein liable to taxation by the trustees thereof, in proportion to their property real and personal within said village, to be ascertained by reference to the town assessment roll of the preceding year as near as may be and be collected by the collector of said village in the same manner as the taxes of the county of Montgomery are collected, by virtue of a warrant to him directed, signed by a majority of the trustees of said village; and by him paid into the hands of the treasurer thereof, to be applied and expended from time to time in such manner and for such purposes as the said trustees or a majority of them shall direct and appoint for the benefit of said village; upon the completion of the assessment roll of said village a copy shall be delivered and left with the clerk of said village, who shall keep the same open for inspection, by the taxable inhabitants of said village, and the said trustees shall also at the time of such delivery, give notice, by posting in a conspicuous place, in five public places in such village, that such assessment roll is made out, and open for inspection with said clerk, for at least ten days from the time of posting, and that on a certain day not less than ten days from such posting, and to be therein specified, they will meet at a specified hour and place, in said village, to hear and examine all complaints in relation to such assessment roll as may be brought before them; and they are hereby empowered to hear and determine such complaints, and make such corrections in said roll as may be just and proper, and it shall be their duty to adjourn from time to time if necessary.

§ 4. The tenth section of the act entitled an act to incorporate the village of Canajoharie, passed April thirtieth, eighteen hundred and twenty-nine, is hereby repealed.

§ 5. All acts or parts of an act inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 273.

AN ACT to amend chapter five hundred and ten of the laws of eighteen hundred and seventy, entitled "An act to authorize the Rondout and Oswego railroad company to increase their rates of fare for the transportation of passengers."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act to authorize the Rondout and Oswego railroad company to increase their rates of fare

for the transportation of passengers," passed April twenty-eight, eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 1. It shall be lawful for the Rondout and Oswego railroad company to demand and receive, for the transportation of passengers over said road, at the rate of not exceeding four cents for each mile they shall convey any passenger over said road for any distance less than ten miles, and at the same rate for the transportation of any passenger over said road, or any part of it, who shall not pay his fare and procure a ticket therefor before entering the cars of the company. And it shall be the duty of said company to afford an opportunity to every passenger to pay his fare and procure such ticket at every station or depot of the company during a period of at least thirty minutes prior to the time when the cars of the company for the transportation of passengers shall leave such station or depot. Increase of fare.
Ticket office.

§ 2. This act shall take effect immediately.

Chap. 274.

AN ACT in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At any time within one year after the passage of this act, any person may pay to the comptroller of the city of New York the amount of any tax upon property, real or personal belonging to such person, heretofore laid or imposed and now remaining unpaid, together with interest at seven per cent. per annum, to be calculated from the time that such tax was imposed to the time of such payment; and the comptroller shall make and deliver to the person so making such payment a receipt therefor, and shall forthwith cancel the record of any such tax. Upon such payment, such tax shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied and discharged; and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute heretofore passed requiring the payment of any penalty or interest over seven per cent. upon any unpaid tax. Time for payment of unpaid taxes.

§ 2. Any revenue bonds heretofore issued in anticipation of the taxes in the first section specified, which may fall due and become payable before such taxes are collected, may be reissued by the comptroller of said city, in whole or in part, for such period as he may determine, not exceeding one year. Re-issue of revenue bonds.

§ 3. This act shall take effect immediately.

Chap. 275.

AN ACT for the relief of Cornelius Flynn.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptrol-
ler of N.
Y. city to
examine
claim.

Proof re-
quired.

Audit of
claim.

Payment
of.

Comptrol-
ler may
issue
bonds.

SECTION 1. The comptroller of the city of New York is hereby authorized and required to examine into the claim of Cornelius Flynn for services rendered by him as acting assistant clerk of the district court in the city of New York for the first judicial district, during the months of January, February, March, April, May and June, in the year eighteen hundred and seventy-five; and upon the production to said comptroller of the original certificate of appointment of said Cornelius Flynn to the office of assistant clerk of said district court by the justice holding office as justice of said district court at the time of the execution of such certificate, a certified copy of the official bond executed by said Cornelius Flynn, and certificate of the filing thereof with the county clerk of the city and county of New York, and the certificate by said justice so holding office as justice of said district court during the period of said alleged services of the performance by said Cornelius Flynn of the duties of said office during said period, accompanied by the affidavit of said Flynn, verifying the truth of such certificate, the said comptroller shall audit and certify the amount of such claim at the rate established by law as the compensation for the services of the clerks of the said district courts in the city of New York at the time of the rendition of such services, and report the same to the board of estimate and apportionment of said city, who shall thereupon make an appropriation for the payment of the amount thereof, for which amount the said comptroller shall thereupon draw his warrant upon the treasury of the city of New York, and deliver the same to said Cornelius Flynn in satisfaction of said claim; and it is further provided that the comptroller of the city of New York shall be authorized and directed to issue and sell bonds of the city of New York to raise the amount necessary to pay such amount in full with interest, which shall be levied and assessed on the taxable property of the city and county of New York.

Chap. 276.

AN ACT in relation to the opening of Prospect avenue in the city of Brooklyn.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
assessors
to deter-
mine as-
sessments.

SECTION 1. Immediately after the passage of this act the board of assessors of the city of Brooklyn shall ascertain and determine what portion of the assessment laid for the opening and widening of Prospect avenue from Hamilton avenue to the city line, in the city of Brooklyn, has been vacated and set aside by actions or proceedings in any court, or before any judge, and shall also ascertain and determine

what portion of said assessment (if any), which has not been set aside is invalid.

§ 2. The said board shall thereupon cause any portion of said assessment by them so deemed to be invalid, to be vacated, and their action in reference thereto shall be attested and confirmed in the same manner as their action in correcting errors under section ten of title ten of the present amended charter of said city. Vacation
of assess-
ments.

§ 3. Said board shall in like manner ascertain and determine what amount will be necessary to pay all outstanding awards made for said improvement with interest thereon from the date when the same assessment for said improvement was confirmed, computed at the rate of seven per cent. per annum, and shall ascertain the sum wherein such amount so necessary exceeds the assessments for said improvement left outstanding after the deduction aforesaid, and shall thereupon proceed to assess said sum upon or within a district of assessment to be fixed by them for that purpose. No such district shall be fixed, and no such assessment shall be laid without due notice in such case by publication in the corporation papers for ten days successively. Assess-
ments for
awards.

§ 4. Upon said assessment being laid, the sum shall be confirmed and levied by the common council, and after the expiration of thirty days from the time said assessment is placed in the hands of the collector of taxes and assessments for said city collection, the said city may take possession of the said avenue as widened as aforesaid. Confirma-
tion of as-
sessment.
When city
may take
possession
of avenue.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 277.

AN ACT to amend section fifteen of article second, title four of chapter two of part three of the Revised Statutes, relating to justices' courts.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of article second, title four of chapter two of part three of the Revised Statutes, relating to justices' courts, is hereby amended so as to read as follows:

§ 15. "A summons shall, in all cases, be served at least six days before the time of appearance mentioned therein. If the defendant shall be found it shall be served by delivering to and leaving with him a copy thereof. If the defendant shall not be found, it shall be served by leaving a copy thereof at the defendant's last place of abode, in the presence of some one of the family, of suitable age and discretion, who shall be informed of its contents." Serving
summons.

§ 2. This act shall take effect July first, eighteen hundred and seventy-six.

Chap. 278.

AN ACT to amend section twenty-nine of chapter four hundred and sixty of the laws of eighteen hundred and thirty-seven, entitled "An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts," passed May sixteen, eighteen hundred and thirty-seven, as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and sixty-two.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-nine of chapter four hundred and sixty of the laws of eighteen hundred and thirty-seven, entitled "An act concerning the proof of wills, executors, administrators, guardians and wards, and surrogates' courts," passed May sixteen, eighteen hundred and thirty-seven, as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and sixty-two, is hereby amended to read as follows:

Applica-
tion of
sureties
for re-
lease.

Proceed-
ings.

§ 29. When either or all the sureties of any executor, or administrator or guardian, shall desire to be released from responsibility on account of the future acts or defaults of such executor or administrator or guardian they may make application to the surrogate who granted letters testamentary or of administration or of guardianship for relief, and the surrogate shall thereupon issue a citation to such guardian to appear at a time and place specified, and upon the return thereof take the same proceedings as are now provided by law in regard to releasing the sureties of an executor or administrator

§ 2. This act shall take effect immediately.

Chap. 279.

AN ACT to amend chapter seven hundred and eighty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act authorizing the board of supervisors of the county of Kings to raise money for the benefit of the fire department of the town of New Lots, in said county of Kings."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act authorizing the board of supervisors of the county of Kings to raise money for the benefit of the fire department of the town of New Lots, in said county of Kings," is hereby amended so as to read as follows:

SECTION 1. The board of supervisors of the county of Kings shall cause to be levied and collected annually, by tax upon the taxable inhabitants and property subject to taxation in the town of New Lots in said county of Kings, in the same manner as other taxes in said town are

levied and collected, such a sum as shall not be less than five cents nor more than twelve cents on every one hundred dollars of the assessed valuation of the taxable property in the said town of New Lots, for the use of the fire department of the said town.

§ 2. This act shall take effect immediately.

Chap. 280.

AN ACT further to amend chapter three hundred and twenty-two of the laws of eighteen hundred and seventy, entitled "An act to authorize corporations to change their names."

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and twenty-two, of the laws of eighteen hundred and seventy, entitled "An act to authorize corporations to change their names," is hereby amended so as to read as follows :

§ 1. Any incorporation, incorporated company, society or association organized under the laws of this State, excepting banks, banking associations, trust companies, life, health, accident, marine and fire insurance companies, may apply at any special term of the Supreme Court sitting in the county in which shall be situated its chief business office, for an order to authorize it to assume another corporate name.

Applica-
tion to
special
term of
Supreme
Court.

§ 2. This act shall take effect immediately.

Chap. 281.

AN ACT to amend an act entitled "An act to amend an act to provide for a supply of water in the village of Cohoes, passed April twelfth, eighteen hundred and fifty-six," passed April eighteenth, eighteen hundred and seventy.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act to amend an act to provide for a supply of water in the village of Cohoes, passed April twelfth, eighteen hundred and fifty-six," passed April eighteenth, eighteen hundred and seventy, is hereby amended so as to read as follows :

§ 2. The chamberlain of the city of Cohoes is hereby directed to set apart, each and every year, for the use of, and subject to the order of, said water commissioners, from out of the general city taxes collected by him, the sum of five thousand dollars.

Annual
amount
for water
commis-
sioners.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 282.

AN ACT to authorize the Baptist church and society of the town of Massena, St. Lawrence county, to convey their old parsonage lot to trustees, to be used and disposed of for the purpose of maintaining a hall for lectures and public meetings.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Authority to convey.

SECTION 1. The Baptist church and society of the town of Massena, St. Lawrence county, is hereby authorized, by its trustees, in the name of such society, to convey to Norman T. Russell, Horace Goodrich and Charles J. Stetson the old parsonage lot in said town, belonging to said society, the same conveyed to it by Sampson Wheeler.

Grantees to maintain a public hall.

§ 2. The said persons to whom said premises shall be conveyed, and their successors in office, to be designated as by this act provided, shall dispose of so much of said premises as shall not be necessary for the purpose of maintaining a public hall, and are hereby authorized and empowered to convey to the purchaser or purchasers the portion of such premises so to be disposed of by them, and with the proceeds of the portions so to be sold, and such other moneys as have been or may be contributed for that purpose, they shall rebuild and repair the present building upon said premises, and make the same, so far as such means will allow, suitable and convenient for public meetings, lectures and all lawful public gatherings; and, in case of the destruction of such building, such persons, or their successors, may, with moneys so to be obtained, or insurance moneys obtained upon the loss of such building, build a new hall upon the portion of such premises to be retained by them; and the hall thereon, or that to be erected in its place, shall be known as "Union hall," and shall always be held by such persons, and their successors, as trustees, and by them maintained and kept in repair, if voluntary contributions for that purpose are sufficient for the purposes in this act declared.

Trustees.

Management and control of premises.

§ 3. Said trustees, and their successors, shall have the exclusive management and control of the said premises so to be retained for the purposes of said hall, of the present hall thereon, and of any hall that may hereafter be erected thereon pursuant to this act.

Terms of office.

§ 4. The persons herein named as trustees shall hold office as such, one for the term of one year, one for two years and one for three years; and, within twenty days after the conveyance of said premises to them, the said trustees named in this act shall determine, by lot, which of said terms each shall hold, and make a record of such determination, and on the first Monday of January, eighteen hundred and seventy-seven, and on the first Monday of January of each year thereafter, at a meeting then to be held at said hall, the legal voters of said town, who shall, at least ten days before offering to vote, have contributed five dollars or more to the fund for maintaining said hall, shall elect one trustee from among the legal voters of said town who shall have so contributed, for the term of three years, and so many in addition as shall be necessary to fill any vacancy then existing, that shall have occurred at least ten days before such meeting, and the person so elected for a full term shall hold office for three years, and the person or persons elected to fill

Election of successors.

any vacancy shall hold during the balance of the term of the person in whose place he shall have been elected. Each trustee so elected and duly qualified shall continue in office until his successor is elected, in manner aforesaid, and during any vacancy or vacancies, the trustee or trustees in office shall have or may exercise all the powers of a full board. Said trustees shall determine, on or before the first Monday in January, eighteen hundred and seventy-seven, who are entitled to vote for trustees under this act, and shall make a permanent record of the names of all such persons, and the amount each has contributed, and shall thereafter keep a record of the names of all persons who shall contribute for the purpose of maintaining said hall, and the amount of the contribution of each person. The senior trustee in office shall keep a record of the proceedings of the board, and of its receipts and expenditures.

Names of
voters to
be record-
ed.

Record of
proceed-
ings, etc.

§ 5. This act shall take effect immediately.

Chap. 283.

AN ACT to extend the boundaries of the village of Niagara Falls.

Passed May 15, 1876.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boundaries and corporate limits of the village of Niagara Falls are hereby extended and made to embrace and include within the limits of said village the following territory, to wit: Goat Island, Bath Island, Luna Island, the Three Sisters Islands, and all the smaller islands and rocks in the Niagara river adjacent to the aforesaid islands; also, the territory bounded as follows: on the east by the easterly line of Tenth street; on the west by the easterly line of Seventh street; on the north by Pine street, and on the south by the Niagara river; all which said territory shall hereafter constitute and be a part and parcel of the said village of Niagara Falls, and be included and forever remain within the boundaries and corporate limits thereof.

Bounda-
ries.

§ 2. This act shall take effect immediately.

Chap. 284.

AN ACT to amend chapter three hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York," passed May fifth, eighteen hundred and seventy-four.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of title two of the act entitled "An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New

* Certified by the presiding officer of the Senate as having passed the Senate, "three-fifths being present."

† So in the original.

York," passed May fifth, eighteen hundred and seventy-four, is hereby amended so as to read as follows:

Fire de-
partment,
organiza-
tion of.

Officers.

Trustees
to direct
election.

§ 5. The trustees are authorized and empowered to organize a fire department, to consist of one or more engine companies, one or more hose companies, one or more hook and ladder companies, one or more protective companies; to appoint a sufficient number of suitable persons as members, not exceeding sixty to each engine company, and not exceeding forty to each hose, hook and ladder, and protective company, with the consent of the persons appointed. The officers of the fire department shall consist of a chief engineer and two assistants, who shall be elected annually on the second Thursday of July, by the members of the fire department; a foreman and two assistant foremen for each company shall be chosen by the members thereof. All officers mentioned in this section shall be elected in a manner to be directed by the trustees, and subject to their approval and ratification.

§ 2. This act shall take effect immediately.

Chap. 285.

AN ACT to amend an act entitled "An act to amend the charter of the village of Avon," passed April twenty-two, eighteen hundred and sixty-seven.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two of an act entitled "An act to amend the charter of the village of Avon," passed April twenty-two, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Assess-
ments.

§ 32. The assessors of said village are hereby invested with the same powers in respect to any moneys directed to be raised by tax as herein provided, as town assessors, and do all such acts as regards the correcting of their assessment rolls, and in the same manner as town assessors are authorized and directed to do, upon the completion of the assessment roll by said assessors, and its delivery by them to the clerk of the corporation; but in all cases when there shall be any real estate owned by any person or corporation, situated partly within the limits or boundary lines of said village; and partly without said village, it shall be the duty of the assessors of such village to determine the valuation of such real estate lying within the limits of said village, and designate the same upon their assessment list, and in no case shall the assessor of said village assess real estate lying without the corporate limits of said village or the boundary lines thereof. The trustees shall issue a warrant to the collector of the corporation, to collect the tax assessed therein as aforesaid, in like manner as taxes of counties and towns are collected; and said collector shall have all the powers and authority conferred by law upon town collectors, and shall pay all moneys received or collected by him to the village treasurer and take his receipt for the same.

Warrant
for collec-
tion.

Chap. 286.

AN ACT to release the interest of the People of the State of New York in certain real estate to Frederick Zinsser.

Passed May 15, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the People of the State of New York, in and to certain real estate situated in the city of New York, county of New York, in the Twenty-first, formerly the Eighteenth ward, bounded and described as follows, to wit: Beginning on the northeasterly side of Twenty-eighth street, at a point distant one hundred and forty-three feet two inches and three-quarters of one inch easterly from the Sixth avenue; thence running northerly parallel with the Sixth avenue, ninety-eight feet nine inches to the center line of the block between Twenty-eighth and Twenty-ninth streets, thence running easterly along said center line twenty-one feet, four inches and one-quarter of one inch; thence southerly parallel with the Sixth avenue, ninety-eight feet nine inches, to Twenty-eighth street aforesaid, and thence running westerly along Twenty-eighth street, twenty-one feet four inches and one-quarter of one inch, to the place or point of beginning, is hereby released to and vested in Frederick Zinsser of said city and county of New York. Release of lands.

§ 2. Nothing herein contained shall affect or impair, release or discharge the right, claim or interest of any heir, devisee, grantee, mortgagee or creditor, by judgment or otherwise, in or to the premises hereinbefore mentioned. Rights not affected.

§ 3. This act shall take effect immediately.

Chap. 287.

AN ACT to amend chapter two hundred and forty of the laws of eighteen hundred and forty-seven, entitled "An act to amend the act entitled 'An act respecting elections other than for militia and town officers,' passed April fifth, eighteen hundred and forty-two."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fortieth section of the fifth title of the act entitled "An act respecting elections others * than for militia and town officers," passed April fifth, eighteen hundred and forty-two, is hereby amended so as to read as follows :

§ 40. He shall cause a copy of such certified statements and determinations to be printed in the State paper, and in no other paper whatever, at the public expense.

§ 2. This act shall take effect immediately.

* So in the original.

Chap. 288.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-nine, entitled "An act to provide a charter for the village of Oneida."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision twenty of section twenty-eight of chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-nine, entitled "An act to provide a charter for the village of Oneida," is hereby amended so as to read as follows:

Special
constables
and night
watch-
man.

20. To appoint special constables on extraordinary occasions for one day only, and to pay them; and to appoint and pay a night watchman for said village during the pleasure of the board of trustees; such night watchman shall have the same powers to make arrests while on duty as the police constable of said village.

§ 2. This act shall take effect immediately.

Chap. 289.

AN ACT to amend chapter three hundred and eighty-six of the laws of eighteen hundred and seventy-five, entitled "An act to further amend the charter of the village of Delhi," passed May seventeen, eighteen hundred and seventy-five.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of chapter three hundred and eighty-six of the laws of eighteen hundred seventy-five, entitled "An act to further amend the charter of the village of Delhi," passed May seventeen, eighteen hundred and seventy-five, is hereby amended so as to read as follows:

Limita-
tion of
taxation.

§ 12. Said village shall not vote or raise by tax or taxes other than highway taxes on the property of said village in any one year, a sum or sums exceeding two thousand dollars in all besides collector's fees, except to pay the present indebtedness of said village.

§ 2. This act shall take effect immediately.

Chap. 290.

AN ACT in relation to the care and investment of the Adam Haverling school fund in the hands of the trustees of the village of Bath.

Passed May 15, 1876.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The moneys held by the trustees of the village of Bath for the use of the board of education of union school district number five of said town, and the securities which shall be taken upon the investment thereof from time to time, shall be kept in the custody of the treasurer of said village for the time being. Said treasurer shall receive the interest on said investments and pay over the same to the said board of education, deducting the proper and necessary expenses of administering said trust, and shall keep the principal of said fund invested in bonds secured by first mortgages upon lands worth not less than twice the amount of the mortgage thereon, exclusive of buildings or timber, as certified by two disinterested freeholders of said county of Steuben, under oath, who shall be selected by the said treasurer. And shall deliver to his successor in office all moneys, securities or other property in his hands belonging to said fund. The bonds and mortgages shall be taken in the name of the trustees of the village of Bath, and may be discharged by the president of the board of trustees when paid. The said treasurer shall, on the first day of March in each year and whenever so directed by the said trustees, report to the trustees the amount of said fund in his hands, and where and how invested, and the amounts received and paid out by him during the year, which report shall be accompanied by the vouchers for moneys paid, and shall be verified by the oath of the treasurer.

Custodian
of fund.

Applica-
tion and
invest-
ment.

Mort-
gage in
name of
trustees.

Treasurer
to report.

§ 2. Every person who shall hereafter be chosen to the office of treasurer of said village, shall within ten days after his election or appointment execute a bond to the trustees of the village of Bath, in double the amount of said Haverling fund, in addition to the bond already required by said treasurer to be given with sufficient sureties to be approved by a justice of the Supreme Court or by the county judge of Steuben county, which bond shall be conditioned for the faithful performance of his duties required of him respecting said fund, and for the payment by him or proper investment of all sums of money he shall receive belonging thereto or by reason thereof; said bond shall be delivered to and kept by the clerk of said village.

Additional
bond of
treasurer.

§ 3. This act shall take effect immediately.

* Certified by the presiding officer of the Senate as having passed the Senate, "three-fifths being present."

Chap. 291.

AN ACT making an appropriation to the commissioners of emigration to enable them to perform the duties imposed upon them by law.

Passed May 15, 1876, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The Comptroller of the State is hereby authorized and directed to draw his several warrants upon the Treasurer, who shall pay the same respectively when presented, in favor of the commissioners of emigration, for such amounts as they may, from time to time, require for the purpose of paying their current expenses, during the year commencing on the first day of May, eighteen hundred and seventy-six, which warrants shall not exceed in the aggregate the sum of two hundred thousand dollars, but whenever any appropriation shall be made by the Congress of the United States for the purposes herein mentioned, no more money shall be paid under this act.

When to cease.

How paid.

§ 2. The said sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the warrants in and by the first section of this act mentioned and authorized which shall be paid out of any moneys in the treasury not otherwise appropriated.

Detailed account of expenses to Comptroller.

§ 3. The Comptroller is hereby prohibited, however, from drawing his warrant upon the State Treasurer in favor of the commissioners of emigration, against the funds hereby appropriated, unless a detailed account of their expenses, for which a warrant is desired, be at such time presented to the Comptroller, duly verified by said commissioners or a majority of them, and such warrant shall in no case exceed in amount the expenses incurred by such commissioners, and for which such detailed account is presented as aforesaid.

§ 4. This act shall take effect immediately.

Chap. 292.

AN ACT to authorize the trustees of the village of Greenbush to sell and convey or otherwise dispose of the public park on the west side of East street in said village, or any part thereof.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

To sell and convey.

SECTION 1. The trustees of the village of Greenbush, or a majority of them, are hereby authorized and empowered to sell, grant and convey the park or public square, on the west side of East street in said village, or any part thereof, to any person or persons, for any purpose not inconsistent with the health and welfare of the citizens of said village, upon such terms and conditions as shall be agreed upon between such trustees and such persons as may purchase or buy said public park or square, or any part thereof.

§ 2. The proceeds of the sale of said public square or park shall be used by the board of trustees of the village of Greenbush for the purpose of erecting a public building for the meetings of the board of trustees, police-station, hook and ladder, fire company, hose tower, or such other purposes as the trustees of said village shall deem proper. Public buildings to be erected.

§ 3. This act shall take effect immediately.

Chap. 293.

AN ACT empowering the village of Wellsville to raise, by tax, a fund for the building of sidewalks.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Wellsville shall have power to raise by tax on the taxable property of said village, without a vote of the tax-payers, such sum each year as they may deem proper, not exceeding, however, the sum of eight hundred dollars in any one year, to be by them applied in the building of such sidewalks as shall not have been built by the owners or occupants of lands after due notice given in the manner provided by the act under which said village is incorporated. In case at the end of any year there shall be a balance to the credit of said fund in the hands of the treasurer of said village, no larger sum shall be raised by virtue of this act the year next ensuing than shall be sufficient to increase said fund to eight hundred dollars, and all collections or reimbursements for sidewalks built, received from such owners or occupants shall be added to said fund. Annual tax for sidewalks.

§ 2. This act shall take effect immediately.

Chap. 294.

AN ACT to ratify and confirm the proceedings to incorporate the Oneida Gas Light Company of Oneida, Madison county, and to legalize and confirm its acts.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The certificate of the incorporation of the Oneida Gas Light company of Oneida, Madison county, filed and recorded in the office of the clerk of the county of Madison, on the twenty-ninth day of October, eighteen hundred and sixty-eight, is hereby declared to be valid and effectual to incorporate the said Oneida Gas Light company, and to have invested said Oneida Gas Light company as and from that date with all the powers and privileges, and subject to all the liabilities of gas light companies incorporated under and according to the laws of this State, as of that date, as fully as if said certificate had been in conformity to law. Certificate of incorporation valid.

Acts under certificate valid.

§ 2. All acts and proceedings of said gas light company under said certificate of incorporation are, and each of them is hereby declared to be in all respects as valid and effectual, and all the real and personal property and estate, privileges and franchises whatsoever, now belonging to and owned and possessed by the said gas light company are hereby vested in said gas light company as fully and completely, as if the said company had been duly incorporated in accordance with the laws of this State. Nothing herein contained shall affect any right vested, or actions or proceedings commenced before the passage of this act.

Certain rights not affected.

Expiration of company.

§ 3. The time of the existence of the said gas light company shall expire on the twenty-ninth day of October, nineteen hundred and eighteen.

§ 4. This act shall take effect immediately.

Chap. 295.

AN ACT to authorize the presiding judge or justice of courts of oyer and terminer to grant new trials.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When new trials may be granted.

Hearing of motion.

SECTION 1. The presiding justice or judge of any court of oyer and terminer held in this State, shall possess the power to grant a new trial on motion of the prisoner after conviction before or after sentence, on exceptions taken on the trial, or on the ground of newly discovered evidence. The motion may be heard on the minutes or on affidavits, as the case may require, in like manner as nearly as may be, to the practice of the Supreme Court in civil actions.

§ 2. This act shall take effect immediately.

Chap. 296.

AN ACT to provide for the determination and payment of the amount due by the city of New York to that portion of the town of Westchester which, prior to January one, eighteen hundred and seventy-four, was part of joint union school district number two, of the town of West Farms, for school property taken by the city of New York.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amount, by whom determined.

SECTION 1. The board of education of the city of New York and the board of education of school district number four of the town of Westchester in the county of Westchester, shall examine, audit and determine the amount which ought proportionally and fairly to be paid by the mayor, aldermen and commonalty of the city of New York to the

inhabitants and estates of that portion of the town of Westchester which, prior to the annexation of the town of West Farms to the city of New York formed part of the joint union school district number two of the town of West Farms, for their contribution by payment of taxes, to the cost of the land, school-house, furniture, books, apparatus and other school property, which, by such annexation was vested in and declared to be the property of the mayor, aldermen and commonalty of the city of New York, and for their interest in the same, and their loss sustained by the vesting thereof in said city of New York. The amount found due on said audit, examination and determination, with interest thereon from the first day of January, eighteen hundred and seventy-four, shall be paid by the mayor, aldermen and commonalty of the city of New York to the board of education of school district number four, of the town of Westchester, whose duty it is hereby made to receive the same for the benefit of said inhabitants and estates of said portion of the town of Westchester. In case of failure of said boards to agree upon the amount so to be paid, within six months after the passage of this act, the Supreme Court in the second department shall have power and jurisdiction to determine such amount, after hearing, in an action which said board of education of school district number four, of the town of Westchester is hereby authorized to commence, after six months and within one year from the passage of this act, in the name of said board, against the mayor, aldermen and commonalty of the city of New York, and in said action said court shall adjudge the payment of such amount as shall proportionally and fairly be due upon the principles hereinbefore declared.

Payment.

Proceedings in case of disagreement.

§ 2. Within ninety days after the passage of this act the comptroller of the city of New York is hereby directed to borrow, on the credit of the mayor, aldermen and commonalty of the city of New York, on bonds of the said city, to be denominated revenue bonds, and in anticipation of the collection of the taxes to be levied and imposed on the property, real and personal, subject to taxation in the city and county of New York for the year one thousand eight hundred and seventy-six, the sum of ten thousand dollars for the purpose of paying the amount which shall be audited and determined to be due as aforesaid. The revenue bonds herein mentioned, shall bear interest at the rate of not exceeding seven per cent. per annum.

Provision for payment of award.

§ 3. It shall be the duty of the said comptroller of the city of New York, and he is hereby directed to pay, within ten days after the determination of the amount due as aforesaid, the moneys derived from the sale of said bonds to the said board of education of school district number four, of the town of Westchester, so far as the same may be necessary to pay the amount so determined or adjudged to be due, with interest to the day of payment.

Payment within ten days.

§ 4. The board of estimate and apportionment of New York are hereby authorized, directed and required to cause to be included in the taxes to be levied and raised in the said city of New York for the year one thousand eight hundred and seventy-six, upon the estates subject to taxation in the city and county of New York, an amount sufficient to pay the revenue bonds herein directed to be issued by the said comptroller in anticipation of the collection of the said taxes, with all interest due or to become due thereon.

Tax to be levied in 1876.

§ 5. For the purpose of this act, all acts or parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately

Chap. 297.

AN ACT to prohibit the disposal of any part of the public lands on Lake George or the islands thereof.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No grant or lease of any of the islands in lake George or of any land on any of said islands shall be made by the Commissioners of the Land Office or by any board or officer of the State, until the further direction of the Legislature, and any such grant or lease hereafter made without such express direction of the Legislature shall be null and void.

§ 2. This act shall take effect immediately.

Chap. 298.

AN ACT changing the time for holding tax meetings in the village of Green Island.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for holding tax meetings in the village of Green Island is hereby changed from the second Tuesday in April to the first Wednesday of March in each year.

Chap. 299.

AN ACT entitled an act to enable the records of the signal service department of the United States to be received and read in evidence.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any record of the observations in regard to the condition of the weather, taken under the direction of the signal service department of the United States, or a copy thereof, when certified under oath by the officer in charge thereof, at the place where the same are taken and kept, that the same is a true copy of such record, may be read in evidence in any court of this State, and shall be prima facie evidence of the facts and circumstances contained and stated herein.

§ 2. This act shall take effect immediately.

Chap. 300.

AN ACT for the relief of Patrick McCabe.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller of the city of New York is hereby authorized and required to examine into the claim of Patrick McCabe, for services rendered by him as acting assistant clerk of the district court in the city of New York, for the third judicial district, from the first day of January, eighteen hundred and seventy-four, to the first day of July, eighteen hundred and seventy-five; and upon the production to said comptroller of the original certificate of appointment of said Patrick McCabe to the office of assistant clerk of said district court, by the justice holding office as justice of said district court at the time of the execution of such certificate, a certified copy of the official bond executed by said Patrick McCabe, and a certificate of the filing thereof with the county clerk of the city and county of New York, and the certificate of the justice holding office as justice of said district court during the period of said alleged services, of the performance by said Patrick McCabe of the duties of said office during said period, accompanied by the affidavit of said McCabe verifying the truth of such certificate, the comptroller shall audit and certify the amount of such claim at the rate established by law as the compensation for the services of the clerks of the said district courts in the city of New York at the time of the rendition of such services, and report the same to the board of estimate and apportionment of said city, who shall thereupon make an appropriation for the payment of the amount thereof, for which amount the said comptroller shall thereupon draw his warrant upon the treasury of the city of New York, and deliver the same to said Patrick McCabe, in satisfaction of said claim; and it is further provided that the comptroller of the city of New York shall be authorized and directed to issue and sell bonds of the city of New York to raise the amount necessary to pay such amount in full, with interest, which shall be levied and assessed on the taxable property of the city and county of New York.

Comptrol-
ler of N.
Y. city to
examine
claim.

Proof nec-
essary.

Audit of
claim.

Payment.

Comptrol-
ler may is-
sue bonds.

Chap. 301.

AN ACT for the relief of John Christmann and Patrick Dunn.

Passed May 15, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Kings are hereby authorized and empowered to refund and pay to John Christmann and Patrick Dunn, the moneys collected of them upon an execution issued upon a certain judgment recovered in the city court of Brooklyn, in favor of the People of the State of New York, against the said John Christmann and Patrick Dunn, on the twenty-sixth day of

Moneys
collected
on a judg-
ment to be
refunded.

January, eighteen hundred and seventy-four, for the sum of five thousand and eighty-seven dollars and sixty-one cents, in an action in which the People of the State of New York were plaintiffs and the said John Christmann and Patrick Dunn were defendants, less the costs, charges, and expenses in obtaining said judgment and collecting said amount, and less the costs, charges, and expenses incurred by the authorities of the city of Brooklyn and of the county of Kings, in, for and about the recapture of Rudolph Kessler.

§ 2. This act shall take effect immediately.

Chap. 302.

AN ACT to authorize the Comptroller to audit and allow certain accounts for supplies furnished to the State prisons.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Comptroller is authorized to audit and allow accounts for supplies sold to the agent and warden of either of the State prisons before the first day of January, eighteen hundred and seventy-six, and delivered in good faith and used in said prisons, or either of them, although the same may not have been embraced in the monthly estimates of such agent and warden.

§ 2. This act shall take effect immediately.

Chap. 303.

AN ACT to confirm the official acts of John J. Harmon, Nelson R. Crandall, and R. L. Cobb, commissioners of excise, in and for the town of Andover, in the county of Allegany, and to enable them to execute a bond to the supervisor thereof.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings of John J. Harmon, Nelson R. Crandall and Roswell L. Cobb, as commissioners of excise, in and for the town of Andover, in the county of Allegany, since the commencement of the term of office for which they were elected, to wit, since the second day of March, eighteen hundred and seventy-five, are hereby declared as valid and of as full effect as if they had executed a proper bond, in due form, to the supervisor of said town of Andover, and such bond had been approved by such supervisor; but this act shall not affect the rights of any party to any suit or legal proceedings commenced prior to its passage.

§ 2. The two members of such board of excise whose terms of office have not yet expired may, within twenty days from and after the pas-

Acts legal-
ized.

Bond re-
quired.

sage of this act, execute a bond to the supervisor of said town of Andover, to be approved by him, in double the amount of the excise moneys of the preceding year, conditioned for paying over to him or his immediate successor in office, within thirty days after the receipt thereof, all moneys received as such excise commissioners, and they shall thereupon be entitled to enter upon and discharge the duties of the office of commissioners of excise, during the residue of the said term for which they were designated by the classification which was had after their election according to law.

§ 3. This act shall take effect immediately.

Chap. 304.

AN ACT for the relief of "The Orphan Asylum Society of the city of Brooklyn."

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. "The Orphan Asylum Society of the city of Brooklyn," is hereby enabled to hold the real estate now in its possession and occupation and the buildings thereon erected and that shall hereafter be erected, on Atlantic and Kingston avenues and Herkimer street, in the city of Brooklyn, and is vested with the legal title thereto.

§ 2. This act shall take effect immediately.

Chap. 305.

AN ACT for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the towns of New Utrecht and Gravesend, in Kings county.

Passed May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisors and justices of the peace, for the time being, of the town of New Utrecht, in Kings county, shall constitute a board of police commissioners for the said town, with power to employ such men as they shall from time to time deem necessary, as policemen for said town, who, during the time they shall be so employed, shall have the same powers and duties for the preservation of the public peace, the protection of private property, the prevention of disorder, the suppression of crime, the apprehension of offenders, and the execution of criminal process as are now possessed by law by constables of the said town and policemen of the city of Brooklyn, in said county, subject, however, to the rules, regulations and orders of said commissioners.

Board of
police
commis-
sioners,
constitu-
tion of.
May ap-
point po-
lice.
Powers
and duties
of police.

Commis-
sioners to
prescribe
duties,
etc.

§ 2. The said commissioners shall, from time to time, prescribe the duties of the said policemen under this act, the uniform to be worn, and the compensation to be paid to them, and they may also determine such other incidental expenses as may be necessary in their judgment to carry out the provisions of this act, subject to the limitations hereinafter provided.

Annual
estimate
of expen-
ses.

§ 3. They shall also make a statement to the board of supervisors of the said county, at its next annual meeting hereafter, of the amount necessary to pay the expenses of said commissioners under this act for the fiscal year commencing on the day of the annual town meeting in the year eighteen hundred and seventy-six, and they shall, also, at the same time, and at each annual meeting of said board of supervisors thereafter, make a like statement of such amount, not exceeding one thousand dollars, as they shall consider to be necessary for the fiscal year commencing on the day of the annual town meeting next after such annual meeting of the supervisors, and the said board of supervisors shall cause the amounts in the said several statements named to be levied in the annual taxes next thereafter levied or assessed on the real and personal estate taxable in said town, and to be collected therewith, and shall direct the amount so levied to be paid to the said commissioners, who shall expend the same, or so much thereof as they shall deem necessary, for the purposes of this act.

To be rais-
ed by tax.

Amount to
be paid
commis-
sioners.

Moneys
in hands
of board
of health
to be paid
commis-
sioners.

To render
account.

§ 4. The said commissioners shall be entitled to receive from the board of health of said town, and the said board of health shall pay to the said commissioners, the balance of moneys in their hands, at the time of the passage of this act, not required by them; and it shall be the duty of the said commissioners to render an account under oath to the board of town auditors of said town, at each annual meeting held by them for auditing the accounts of town officers, of the amounts received and expended by them, under the provisions of this act, together with vouchers for all sums paid out by them.

Quorum.

§ 5. The term commissioners in this act shall be construed to refer to and to mean the said board of police commissioners; and a majority of all the members of said board shall possess and exercise all the powers and duties hereby conferred and devolved upon said commissioners.

Act ap-
plied to
Graves-
end.

§ 6. All the provisions of this act applicable to the town of New Utrecht, shall apply also to the town of Gravesend, except as to the payment required to be made by said board of health, and except that the amounts required for the purposes of this act, in said town of Gravesend, shall, within thirty days preceding the annual meeting of the board of supervisors, be certified to the treasurer of said town, instead of the board of supervisors, and if the said treasurer shall thereupon pay the amount thereof to the said commissioners, then the said statement shall not be made to the said board of supervisors, as herein otherwise required to be made.

§ 7. This act shall take effect immediately.

Chap. 306.

AN ACT to amend chapter two hundred and forty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the incorporation of villages, passed December seven, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title six of chapter two hundred and forty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the incorporation of villages, passed December seven, eighteen hundred and forty-seven, and the several acts amendatory thereof, so far as the same relate to the village of New Rochelle, in the county of Westchester," is hereby amended so as to read as follows:

§ 1. The trustees shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves and stove pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous, and to prevent the deposit of ashes in unsafe places; to provide fire buckets and to regulate the use of them in time of fire; to authorize the fire wardens or other officers of the village to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires as they may deem expedient; to prescribe and declare such portion of said village as they may deem expedient, a fire district; to prohibit, restrain and prevent, within said fire district, the construction of any frame or wooden building for any purpose whatever.

Powers of trustees for prevention and extinguishment of fires.

§ 2. This act shall take effect immediately.

Chap. 307.

AN ACT to amend an act passed May eleventh, eighteen hundred and sixty-nine, entitled "An act to lay out and improve a public highway or avenue, from Prospect Park in the city of Brooklyn, towards Coney Island in the county of Kings."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The ninth section of the act entitled "An act to lay out and improve a public highway or avenue, from Prospect Park in the city of Brooklyn, towards Coney Island in the county of Kings,"

passed May eleventh, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Assess-
ments to
become
liens, etc.

Lands to
be return-
ed same as
non resi-
dent.

Park com-
mission-
ers to per-
form du-
ties of
common
council.

Sales not
affected.

§ 9. All assessments made and confirmed, in pursuance of this act, shall be liens upon the land and premises upon which they shall have been laid, and such lands and premises shall be subject to be sold for the assessments referred to in the fifth and sixth sections of this act, if such assessments are not paid within ninety days after the confirmation thereof. All laws applicable to, or governing the returns of arrears of taxes, or assessments on lands of non-residents, made or to be made to the State Comptroller by county treasurers and the proceedings thereupon, shall apply to all assessments to be laid under this act, whenever they are not inconsistent therewith, and when any duties are, by said laws, imposed upon the common council of said city, they shall devolve upon the said park commissioners, and when imposed upon subordinate officers of the city, they shall be performed by persons to be specially appointed by the said park commissioners.

§ 2. Nothing contained in this act shall affect any sales heretofore made for any assessment levied under said act of May eleventh, eighteen hundred and sixty-nine.

§ 3. This act shall take effect immediately.

Chap. 308.

AN ACT to amend section two of chapter five hundred and fourteen, of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the election of police justices in villages."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter five hundred and fourteen, of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the election of police justices in villages," is hereby amended so as to read as follows:

Jurisdic-
tion of po-
lice jus-
tices.

§ 2. Such police justice shall have, within the village in which he shall have been elected or appointed, and in cases where the alleged crime or misdemeanor has been committed within such village, exclusive jurisdiction, except as hereinafter provided, to issue all warrants, hear and determine all complaints and to conduct all examinations and trials in criminal cases that may now by law be had by a justice of the peace, or before a court of special sessions; and shall have the same power and jurisdiction in such criminal cases, which justices of the peace now have by law, or which may hereafter be conferred upon justices of the peace, by law, and shall have exclusive jurisdiction in all cases of violations of ordinances of the village of which he is police justice. He shall also have authority to administer oaths in verification of accounts and claims against the village, but shall have no other civil jurisdiction. He shall receive for his services an annual salary to be fixed by the board of trustees, which shall not be increased or decreased during his term of office, but shall not retain to his own use any costs or fees. Said justice shall be subject to the same liabilities, and his judgments and proceedings may be reviewed in the same manner and to the same extent as now by law provided in case of justices

Oaths, ad-
minister-
ing of.

Salary.

Proceed-
ings sub-
ject to re-
view.

of the peace. It shall be the duty of the several justices of the peace of the town in which such village is wholly or partially situated, during the sickness, absence from the village, or inability to act, of the said police justice, or during a vacancy in said office, to render the same services and perform the same duties, and they shall be entitled to receive the same fees therefor as though no police justice had been elected or appointed in such village. But it shall not be lawful for said justices of the peace, to make any charge against such village, or the town or county in which the same is situate, for services rendered in or respecting criminal cases, trials or examinations in such village, or where the subject matter thereof arose in such village, except as hereinbefore stated, during the sickness, absence from the village or inability to act of the said police justice, or during a vacancy in said office.

When justices of the peace may act.

Charges not to be made against village, etc.

§ 2. This act shall take effect immediately.

Chap. 309.

AN ACT to legalize the official acts of D. K. Coon, a justice of the peace of the town of Tyrone, Schuyler county.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of D. K. Coon, of the town of Tyrone, Schuyler county, done by him as a justice of the peace since the eighth day of February, eighteen hundred and seventy-six, are hereby legalized.

§ 2. Nothing in this act contained shall affect any action or legal proceedings now pending in any court of this State.

§ 3. This act shall take effect immediately.

Chap. 310.

AN ACT to authorize the Associate Reformed Presbyterian church of North Kortright, Delaware county, to change its corporate name, and to legalize the acts of the trustees of said church heretofore done under the name of trustees of the United Presbyterian church of North Kortright, and to legalize all the proceedings had by said church under the name of said United Presbyterian church.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporate name of the Associate Reformed Presbyterian church of North Kortright, Delaware county, New York, is hereby changed to that of the United Presbyterian church of North Kortright, and the persons now acting as trustees thereof under the name of trustees of the United Presbyterian church of North Kortright, are hereby

Change of name.

Trustees.

declared to be the lawful trustees of said church until their successors shall have been duly chosen or elected.

Legality
of convey-
ances.

§ 2. All deeds or other conveyances of real estate heretofore made to any persons acting or assuming to act as trustees of the United Presbyterian church of North Kortright, are hereby declared to be as valid and effectual as if such persons, at the time the same were made had been duly elected and acting as trustees of said Associate Reformed Presbyterian church, and to vest in them as such trustees the title to the real estate conveyed thereby; and all deeds or other conveyances of real estate heretofore made by any persons acting or assuming to act as trustees of said United Presbyterian church or congregation of North Kortright, are hereby declared to be as valid and effectual as if said persons, at the time the same were made, had been duly elected and acting as trustees of the said Associate Reformed Presbyterian church, and had been duly and legally authorized as such trustees to make the same.

Legality
of acts of
trustees.

§ 3. All acts performed as corporate acts by the said Associate Reformed Presbyterian church, under the aforesaid name of the United Presbyterian church of North Kortright, or by persons chosen or acting as its trustees, under the name of trustees of the United Presbyterian church of North Kortright, since the nineteenth day of August, eighteen hundred and fifty-eight, which would have been lawful and valid if the said church had been duly incorporated at the time such acts were performed under the name of the United Presbyterian church of North Kortright, are hereby ratified and confirmed and declared to have the same validity and effect in all respects that they would have had if the said church had been duly incorporated at the time when those acts were performed under the name of the United Presbyterian church of North Kortright.

Actions
not af-
fected.

§ 4. Nothing in this act contained shall affect any suit or proceeding now pending.

§ 5. This act shall take effect immediately.

Chap. 311.

AN ACT to authorize James C. McAndrew to take, hold and convey real estate.

Passed May 15, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. James C. McAndrew, a resident of the town of Middletown, county of Richmond and State of New York, is hereby authorized and empowered to take and hold, in fee simple or otherwise, and to lease, mortgage, devise or convey, in the same manner and with the like effect as if he were a citizen of the United States, all the real estate in said town and county now occupied by him, and all such other real estate as he may hereafter acquire or may actually occupy for his own use.

§ 2. This act shall take effect immediately.

Chap. 312.

AN ACT to confirm and legalize the acts of Gabriel S. Corwin, as notary public of the county of Genesee, since March thirtieth, in the year of our Lord eighteen hundred and seventy-five.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All official acts of Gabriel S. Corwin, of Pembroke, Genesee county, State of New York, done since the thirtieth day of March, in the year of our Lord eighteen hundred and seventy-five, as notary public of said county of Genesee, are hereby declared as valid and of as full effect as if the said Gabriel S. Corwin had been a duly appointed and qualified notary public. But nothing in this act contained shall affect any suit or proceeding now pending in any court of this State.

§ 2. This act shall take effect immediately.

Chap. 313.

AN ACT to incorporate the Callicoon bridge company, in Sullivan county.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. John Wolf, Jr., John M. Helck, Michael Quinn, Elias Mitchell, Calvin Tyler, Elliott Tyler, George Abrams, Henry Gardner and Blake G. Wales, their associates, assigns and successors, and all other persons who may hereafter be holders of the stock hereinafter mentioned, are hereby constituted a body corporate, by the name of the Callicoon bridge company, for the purpose of constructing, maintaining and managing a bridge across the Delaware river, at Callicoon, in the county of Sullivan and State of New York, and to connect that place with the town of Damascus, Wayne county, Pennsylvania at a point to be fixed upon by the corporators above named, or a majority of them, on notice to all, at a meeting called for that purpose, between the residence of Elliott Tyler on the Pennsylvania side and what is known as the ferry. The corporation hereby created shall have perpetual succession, capability of suing and being sued, by and in its corporate name, and shall have a common seal. Corporators.
Incorporation.
Power of corporation.

§ 2. It shall be lawful for said company to erect, build and maintain such bridge, and to locate, erect and maintain sufficient abutments and supports to said bridge at the respective ends thereof; and to locate, build and maintain sufficient piers or piles and stays in the waters of the said Delaware river, or its bars, islands and shores, for said bridge, and to do all other things necessary to erect and maintain the same; provided, however, that the navigation of said river shall be left unobstructed by any pier or stay of said bridge, to the width of at least one hundred and fifty feet in the rafting channel of said river. Erection of bridge.

How constructed.

§ 3. Said bridge shall be at least fourteen feet wide in clear, between the sides or railings thereof, and be well covered with plank not less than three inches thick, securely fastened crosswise, and the sides of the same to be securely protected by substantial railings at least four feet high.

Repairs.

§ 4. It shall be the duty of said company to keep and maintain said bridge in good repair and condition during the continuance of the same.

Joint directors.

§ 5. The joint directors of said company shall be, John Wolf, Jr., John M. Helck, Michael Quinn, Elias Mitchell, Colvin Tyler, Elliott Tyler, George Abrams, Henry Gardner, and Blake G. Wells.* And they and the directors, who from time to time may be appointed or

Term of office.

elected shall continue in office until others shall be chosen in their places according to the provisions of this act. The said directors shall

Vacancies.

have power to fill any and all vacancies in their number occasioned by death, resignation, refusing to serve or otherwise; and said directors so appointed to such vacancies shall have the same power of the original directors, and shall continue in office until others shall be chosen according to the provisions of this act. The directors of said company

Appointment of officers, etc.

shall have power to appoint a president, secretary and treasurer, who shall be chosen from their number, and to fill all vacancies in said

Terms of office.

offices. The president, secretary and treasurer shall hold said offices for one year, and until others are chosen in their places. The treasurer

Treasurer's bond.

shall, before entering upon the duties of his office give a bond to the board of directors in an amount and with sureties to be approved by said board of directors.

Capital stock.

§ 6. The capital stock of said company shall be twelve thousand dollars, with the right and power of the board of directors or a majority of them on notice to all, to increase the same to an amount not to exceed eighteen thousand dollars, to be divided into shares of fifty dollars each. The president and directors of said company shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the secretary of the said company, but no certificate of stock shall be issued to any person or persons, firm or corporation, until the amount of the stock for which the same may be issued shall be actually paid in current funds or in labor actually performed upon said bridge. Such certificate when issued shall be transferable at the pleasure of the holders by assignment. Each share of the stock of said company shall entitle the holder thereof to one vote for directors of said company.

Each share to vote.

May issue bonds.

Denomination.

When payable.

Execution of.

Interest.

Application of proceeds.

To be a lien on bridge, etc.

Management of company's affairs.

§ 7. The said corporation shall have power and it shall be lawful for them to issue bonds to the amount of twenty thousand dollars, in denominations of not less than one hundred nor more than one thousand dollars, payable at any time within fifteen years, at the discretion of the directors of said corporation. Which said bonds shall be signed by the president, secretary and treasurer of said corporation, and shall bear interest at the rate of seven per cent. per annum, payable annually, and shall be sold by said corporation at par value, and the proceeds of the same be used to construct said bridge and the piers, abutments and approaches thereto; said bonds when so issued and transferred shall be a lien upon said bridge and upon all of the property belonging to said corporation.

§ 8. The affairs of said company shall be managed by nine directors who shall be chosen by the stockholders thereof at any time after two-thirds of said capital stock shall have been subscribed and paid in at an election ordered by the aforesaid named directors. And the aforesaid

* So in the original.

named directors are hereby directed to order an election of directors by the stockholders to be held at some place to be designated by them at Callicoon depot, New York, on the first Monday in January next after two-thirds of said capital stock shall have been so subscribed and paid in. And thereafter the directors of said company shall be chosen annually at Callicoon depot on the first Monday of January from among the stockholders of said company by a plurality of votes in such manner as may be prescribed by the by-laws of said company. A majority of said directors at a meeting duly called, and when all have been notified of the business to be transacted, shall be a quorum capable of transacting the business of said company, and shall have power to make such by-laws, rules and regulations, not inconsistent with the laws of the United States, of this State or of the State of Pennsylvania, or the provisions of this act, as shall be necessary and proper for the government and management of the affairs of the company, its officers and agents.

Election of directors.

Quorum.

By-laws, etc.

§ 9. The persons named in section five of this act as directors are hereby authorized to procure subscriptions to the capital stock of the corporation hereby created, at such time or times and in such manner as they or a majority of them may think proper, and they may require payments of all sums so subscribed in such proportion and at such time or times as they may deem proper, and in case of default of such payment on the part of any person so subscribing as aforesaid, the said directors or their successors in office may, after thirty days' notice in writing served personally on such persons, or by depositing the same in the post-office directed to such person at his last known place of residence prepaying postage thereon, enforce such payment by action against such defaulting subscriber, or at their option may declare to be forfeited the stock subscribed by such person together with all payments that may have been made thereon. And if for any reason such payment cannot be enforced by action such stock so subscribed and not paid, together with the payments made thereon, will be forfeited.

Who may obtain subscriptions to stock.

Collection of subscription.

Forfeiture of stock.

§ 10. The said corporation by and through the president and directors thereof is hereby empowered to purchase, take by deed and hold such real estate on either side of said river, as may be useful, necessary or convenient for the use and purpose of said bridge, and for the necessary roads leading to and from the same. In case the said directors cannot agree with the parties owning the land so required, after having been surveyed and mapped by the surveyor and agent, the said corporation is hereby authorized to acquire title to such lands in the same manner that railroads are authorized to acquire title to real estate for railroad purposes under the laws of this State.

May hold real estate.

Title acquired same as for railroads.

§ 11. If the directors of said company shall after its organization determine to increase the capital stock of said company as hereinbefore provided, they are hereby authorized to receive subscriptions therefor in the same manner as hereinbefore provided, and said directors may require payment therefor in the same manner as provided in section eight of this act.

Increase of stock.

§ 12. As soon as said bridge shall be completed, it shall be lawful for said company to erect a toll-gate or gates at or near said bridge and to fix, exact, demand, receive and collect of all persons passing and repassing over said bridge, a toll, to be received and collected for the use of said company, and to make such erections as the directors may deem expedient to guard the entrances of said bridge, but said toll shall not exceed the following rates, to wit: for every stage, wagon,

Toll.

Rates. sleigh, carriage, hack or vehicle, drawn by two horses, mules or oxen, thirty cents. For every additional horse, mule or ox, ten cents. For every carriage, wagon, sleigh, vehicle, cart or sulky, drawn by one horse, mule or ox, twenty cents. For every horse, mule, ox or cow, five cents. For every hog, sheep, calf or goat, three cents. For every horse or mule ridden or led, ten cents. For every person crossing said bridge on foot, five cents.

Unlawful to cross river with in two miles of bridge. § 13. It shall not be lawful for any person, without the payment of the bridge tolls to said company, to cross said river within two miles above or below said bridge, unless such person be an owner, lessee or occupant of land adjoining said river at the point where he crosses the same; nor shall it be lawful for any persons, without the payment of said tolls to said company, to transport persons, animals, merchandise or goods, of any name or nature, across said river, except it be the owners or property of owners, lessees or occupants of lands adjoining the river as aforesaid at the point where said crossing is made; any person violating any of the provisions of this section, shall, for every such offense, forfeit and pay the sum of ten dollars, to be recovered as a penalty by and in the name of said corporation and for their use and benefit in any court having jurisdiction thereof.

Penalty. § 14. If any person shall willfully do or cause to be done any act or acts whatever, whereby said bridge or any appurtenances thereto belonging shall be obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit to the said company treble the damages sustained by reason of said offense or injury, to be recovered in the name of said corporation, with costs of suit, by an action in any court having jurisdiction thereof, and such person shall be deemed guilty of a misdemeanor and be punished by fine or imprisonment, or both, as provided by law for the punishment of misdemeanors when no other punishment is prescribed.

Punishment for willful injury to bridge. § 15. If any person or persons shall force or attempt to force any of the gates of said company, or shall attempt to cross said bridge without the payment of the toll demanded by said company or fixed by this act, such person or persons shall forfeit and pay to the said company the sum of five dollars, which said sum may be recovered by said company, as a penalty for said act, with costs.

Forcing gates. § 16. The said president and directors shall keep a just and true account of all moneys received by them or by their agents and officers, together with a just and true account of all moneys paid out by them during each and every year, as well as from what source said money was received, and for what purposes and to whom paid out, and shall, on the last Monday of December in each and every year, after the said company shall be organized by the subscription of two-thirds of the stock, as heretofore provided, publish a statement showing the condition of the premises of said company, together with the dividend to be made of the clear profits among the stockholders, and on the first Monday of January in each year, at the annual election of directors, shall pay the said dividend to the said stockholders.

Account to be kept. § 17. Said bridge shall be constructed within ten years.

Report. § 18. This act shall take effect immediately.

Dividends.

Chap. 314.

AN ACT to incorporate the Buffalo bar association.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. George R. Babcock, Dennis Bowen, John Hubbell, Asher P. Nichols, Sherman S. Rogers, Albert P. Laning, Harmon S. Cutting, James M. Humphrey, Loran L. Lewis, E. Carlton Sprague, George Wadsworth, James M. Willet, David F. Day, George S. Wardwell, Grover Cleveland, Benjamin H. Austin, William H. Gurney, Benjamin H. Williams, Milo A. Whitney, Edwin C. Robbins, Charles Beckwith, George Gorham, Spencer Clinton, Charles D. Marshall, Franklin D. Locke, Norris Morey, Daniel N. Lockwood, Edward R. Bacon, John Tyler, George S. Potter, Frank R. Perkins, Truman C. White, Wilson S. Bissell, George Clinton, John B. Greene, Arthur W. Hickman, Robert P. Wilson, together with such other persons as may, at the time of the passage of this act, have become members of the society known as the Buffalo bar association, either by signing the constitution of such society or in such other manner as may be therein prescribed, together with such other persons as may hereafter become members of the corporation hereby created according to the provisions of the constitution which may be adopted and prescribed after the passage of this act, are hereby created a body corporate and politic, in fact and in name, by the name of the Buffalo bar association, for the purposes mentioned in this act; and by that name they, and their successors and associates, shall have perpetual succession, and shall be capable in law of suing and being sued, and of receiving, purchasing, taking, holding, conveying, leasing, mortgaging, or otherwise acquiring or disposing of any real and personal estate for the use and benefit of said corporation, the net annual income of which shall not exceed the sum of twenty-five thousand dollars.

§ 2. The object of this corporation shall be to maintain the honor and dignity of the legal profession in the city of Buffalo, to cultivate social intercourse among its members, and to increase their usefulness in promoting the due administration of justice.

§ 3. The said corporation, at one or more of the meetings thereof, duly called in such manner as may be prescribed at any previous meeting of the members thereof, to be held not less than five days before such meeting, and at which shall be present not less than twenty-five members, shall have power to adopt a constitution and by-laws thereof, with provision therein for subsequent amendment of the same, provided such constitution and by-laws shall not be inconsistent with the general purposes of this act, or the laws of this State.

§ 4. The officers of said corporation shall be such as may be prescribed by the constitution and by-laws so to be adopted, in pursuance of the provisions of the last preceding section.

§ 5. The business affairs, concerns and property of such corporation shall be managed and conducted by a board of managers consisting of the officers thereof prescribed by the constitution and by-laws of the said corporation, who shall be elected annually at such times, and

be elected annually. whose duties shall be such, as may be provided for in such constitution and by-laws.

What constitution may provide. § 6. Such constitution may provide for the manner of admitting, removing and expelling members and officers of this corporation, and may declare generally the purposes, jurisdiction and powers which the said corporation propose to take and exercise, which purposes, jurisdiction and powers shall belong to and be vested in the said corporation, provided the same are not inconsistent with the second section of this act and the Constitution and the laws of this State and the laws and Constitution of the United States.

Title 3, ch. 18 R. S. made applicable. § 7. Such corporation shall have the rights enumerated and prescribed by the general provisions contained in the third title of the eighteenth chapter of the first part of the Revised States.

May take property, etc. § 8. Such corporation may take, hold and convey real and personal estate by purchase, gift, grant, will or devise, subject, nevertheless, to the provisions of the act relating to wills, passed April thirteenth, eighteen hundred and sixty, chapter three hundred and sixty, so far as the same may be applicable.

Officers to hold until successors are elected, etc. § 9. The several officers of the association founded before the passage of this act, and known as the Buffalo bar association, and holding their offices at the time of this act, shall hold their respective offices as officers of this corporation, with the powers and duties prescribed by the constitution and by-laws of such association, except so far as the same may be inconsistent herewith, or with the laws of this State, until their successors shall be elected or appointed, and all property, rights and interests of such association shall vest in and become the property of such corporation.

Interest of members. § 10. All interest of any member of such corporation in its property shall be deemed personal property, shall not be assignable, and shall terminate and vest in the corporation upon his ceasing to be a member thereof by his resignation, or expulsion, removal or death.

§ 11. This act shall take effect immediately.

Chap. 315.

AN ACT to enable the Skaneateles railroad company to have, own and operate steamboats.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May operate steam-boats. SECTION 1. The Skaneateles railroad company are hereby fully authorized and empowered forthwith, or as soon hereafter as it may deem proper, to build, purchase, own, lease, have and operate one or more boats, to be propelled by steam, or otherwise, on Skaneateles lake, between such points thereon as they may deem proper.

Management and repairs of, etc. § 2. The said company are hereby fully authorized and empowered, as soon hereafter as they may deem proper, to employ and hire all laborers, servants and agents, in and about the building and management and repairs of such boats, wharves, piers and all other appurtenances which may be useful or necessary in and about the proper and advantageous maintenance and management of the said boats.

Control of wharves, etc. § 3. All such boats, wharves, piers and other property shall be under the exclusive management, control and regulations of the said company.

§ 4. This act shall take effect immediately.

Chap. 316.

AN ACT relative to judgments entered upon forfeited recognizances in the city and county of New York.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The court of common pleas for the city and county of New York, upon the certificate of the district-attorney of the county of New York, that the People of the State of New York have lost no rights by reason of the failure of a surety to produce a principal in compliance with the terms of a recognizance given by them, and that by reason of the principal being produced the said People of the State of New York are in as good a position to prosecute said principal as when such failure occurred, may, by order, vacate and set aside any judgment heretofore entered, or that may be hereafter entered, upon the forfeiture of such recognizance against such principal or surety or either of them, on payment to the chamberlain of the city of New York, of all costs included in such judgment, and of all expenses incurred in the apprehension or recapture of such principal.

Vacation
of judgment
on forfeited
recogni-
zances.

§ 2. This act shall take effect immediately.

Chap. 317.

AN ACT to amend section sixteen, title three, chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, to release firemen from the payment of poll tax.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen, title three, chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 16. The trustees shall have power to raise, by assessment and tax, money for the expenditures required by the provisions of this act and the proceedings had thereunder, and may assess and collect a poll tax of one dollar on each male resident in the village between the ages of twenty-one and sixty years, except such male residents as may belong to and are active members of a fire engine, hose, hook and ladder, or other company formed and maintained for the purpose of extinguishing fires.

Poll taxes.

Fireman
exempt.

§ 2. This act shall take effect immediately.

Chap. 318.

AN ACT to authorize the appointment of a librarian to take charge of the library of the third judicial district, and to provide for the insurance thereof.

Passed May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Appoint-
ment of li-
brarian.

Salary.

Insuring
library.

SECTION 1. The justice of the Supreme Court residing in the city of Kingston is hereby authorized from time to time to appoint a librarian to take charge of the law library of the third judicial district, located at Kingston, and who shall be paid a salary of six hundred dollars per year, the amount to be payable upon the certificate of said justice out of the moneys raised in the county of Ulster for court expenses by the treasurer thereof, upon the presentation of such certificate.

§ 2. It shall also be the duty of said justice, so residing at Kingston, to effect an insurance upon said library, the cost whereof shall be paid in like manner by the Comptroller of the State of New York upon a like certificate. Such insurance to be made in the name of the People of the State of New York, and in case of loss the amount thereof shall be expended in the purchase of new books for said library, in the same manner that the original appropriations were used for that purpose.

§ 3. This act shall take effect immediately.

Chap. 319.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and sixty, entitled "An act for the protection of boarding-house keepers."

Passed May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter four hundred and forty-six of the laws of eighteen hundred and sixty, entitled "An act for the protection of boarding-house keepers," is hereby amended so as to read as follows :

Lien of
boarding-
house
keepers.

§ 1. The keeper of a boarding-house shall have the same lien upon and right to detain the baggage and effects of any boarder to the same extent and in the same manner as innkeepers have such lien and right of detention ; but nothing herein shall be deemed to give to any boarding-house keeper any lien upon or right to detain any property the title to which shall not be in such boarder.

§ 2. This act shall take effect immediately.

Chap. 320.

AN ACT to amend chapter two hundred and nine of the laws of eighteen hundred and seventy-one, entitled "An act to authorize the extension of the Cherry Valley, Sharon and Albany railroad into or through any town in the counties of Otsego or Herkimer, and to facilitate the construction thereof," passed March twenty-ninth, eighteen hundred and seventy-one.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the completion of the construction of the extension of the Cherry Valley, Sharon and Albany railroad into or through any town or towns in the counties of Otsego or Herkimer, is hereby extended five years.

§ 2. This act shall take effect immediately.

Chap. 321.

AN ACT to amend chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference.'"

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to incorporate the Round Lake Camp Meeting Association of the Methodist Episcopal Church of the Troy Conference,'" is hereby amended by adding thereto a new section, as follows:

§ 10. The presiding elders of the Troy Annual Conference of the Methodist Episcopal Church shall be ex-officio members of the board of trustees in addition to the present number of trustees.

§ 2. This act shall take effect immediately.

Chap. 322.

AN ACT to authorize the village of Moravia, in the county of Cayuga, to assess, levy and collect a certain sum for procuring lamps to light the streets of said village.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the village of Moravia, in the county of Cayuga, are hereby authorized and empowered to cause to be assessed,

levied and collected upon the real and personal estate in said village, the sum of two hundred and fifty dollars, in the same manner that the ordinary taxes in said village are assessed, levied and collected, to be by said trustees applied for the purpose of procuring and erecting lamps to light the streets of said village.

§ 2. This act shall take effect immediately.

Chap. 323.

AN ACT to release certain lands which have escheated to the State to Charity Rix, widow of John Rix, late of the town of Farmersville, in Cattaraugus county.

Passed May 15, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Release of
lands to
Charity
Rix.

SECTION 1. All the estate, right, title and interest of the People of the State of New York of, to, and in all the real estate whereof John Rix, late of the town of Farmersville, in Cattaraugus county and State aforesaid, deceased, died seized, are hereby released to Charity Rix, widow of the said John Rix, and to her heirs and assigns forever, and the said Charity Rix is hereby empowered and authorized to sell, convey, mortgage and devise the same in the same manner and with like effect as if she were a citizen of the United States of America.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any heir-at-law, devisee or grantee of the said John Rix, or any creditor by mortgage, judgment or otherwise.

§ 3. This act shall take effect immediately.

Chap. 324.

AN ACT to regulate the collection of taxes and assessments for local improvements in the city of Brooklyn.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Abstract
of unpaid
assess-
ments.

Charges
in abstract
not to be
included
in general
tax.

SECTION 1. The registrar of arrears of taxes and assessments shall cause abstracts to be prepared of all unpaid assessments or special charges for local improvements in the city of Brooklyn, which are now, by authority of any law, directed to be collected in bulk or installments in the general annual taxes in said city, or which are directed by statute to be hereafter so collected. All such charges, when so included in said abstracts, shall cease to be part of any general annual tax, and shall be stricken thereout and therefrom; and in future no part or installment thereof shall be included in any general annual tax, but the said charges and all installments thereof shall be collected in like manner as assessments for grading and paving streets in said city are by the charter of said city directed to be collected, except as herein otherwise especially provided.

§ 2. Such abstracts shall contain columns giving the ward, block, and assessment numbers of the parcels of land so charged or assessed, the names of owners, as far as is convenient or practicable, and the amount assessed on each parcel of land; that is, the amount originally determined or designated as the entire proportion of the cost of the work to be borne by such parcel, also separate columns (one for each year) during which the collection of any part of such assessment or charge is authorized. In the proper column he shall place the amount which is now by law directed to be raised or collected during each year, with the interest by law authorized to be included. Such amounts as are hereafter payable need not be placed in said abstracts (except as included in the column showing the entire original charge against each parcel) until after the first day of November in each year, unless the said registrar elect to do the same earlier. Each of such installments shall, however, be so entered, and shall be due and payable by and upon the first day of December in the respective years now fixed by law for their payment, with interest included as now by statute provided. Upon any such installment, which shall remain unpaid after the said date so fixed for their payment, interest shall be due and collected from such date at the rate of eight per cent. per annum.

Form of abstract.

Installments payable.

Interest.

§ 3. The collector of taxes and assessments shall be furnished by said registrar, on or before the first day of December, eighteen hundred and seventy-six and in each year thereafter, with a transcript of each of said abstracts showing the installments of that year due upon that day, with the interest added as now authorized by law, to be collected therewith. The collector shall proceed to collect and receive the said installment for one year from that day, with interest thereafter at the rate of eight per cent. per annum; at the expiration of said year he shall turn over and deliver to said registrar the said transcripts. They shall be so stamped as to indicate as to each parcel whether the installment payable thereon has been paid or not. He shall at the same time deliver to the comptroller a statement, in writing, showing the aggregate amount paid upon such transcript and the amount unpaid.

When registrar to furnish collector with abstract.

Collection of installments.

Transcripts to be returned to registrar.

Statement to comptroller.

§ 4. The said registrar shall, after the return of such transcript, collect the said installment and take such action in relation thereto as if it was an ordinary assessment for grading and paving streets, except as is herein otherwise especially provided. All of such assessments or special charges as aforesaid shall be collected by said registrar, except the current installments thereof which shall be in the hands of the collector as aforesaid in each year. The whole amount charged or thereafter chargeable upon a parcel may be paid to the said registrar (except any installment then collectable by the collector of taxes and assessments). If paid up in full at least one year before the last installment would become due, interest on the amount unpaid shall be charged at the rate of seven per cent. per annum only. The registrar of arrears shall correct the tax rolls of taxes in arrear upon the parcels charged for said improvements by striking out from the amount set down against the parcels so charged for the years in question, the amount so shown as assessed upon them as their proportionate installment for such years, by said abstracts. Until said abstracts are made up and until December first, eighteen hundred and seventy-six, collections of all of said matters shall be made as at present; and this act shall not apply to or affect any sales made for said taxes.

Duties of registrar on return of transcripts.

Interest chargeable.

Correction of tax rolls.

Manner of collections.

Chap. 325.

AN ACT authorizing the board of supervisors of the county of Kings to raise money for the erection of a bell-tower and the purchase of a bell for the benefit of the fire department of the town of New Lots, in said county of Kings.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Limit of
cost.

SECTION 1. The board of supervisors of the county of Kings shall cause to be levied and collected in the year one thousand eight hundred and seventy-six upon the taxable property of the town of New Lots, in said county of Kings, in the same manner as other taxes in said town are levied and collected, such a sum of money as the town board of said town may deem sufficient, not to exceed twelve hundred dollars, for the purpose of erecting a bell-tower, and the purchase of a bell for the benefit of the fire department of said town.

Payment,
etc., of
money.

§ 2. It shall be the duty of the collector of said town of New Lots to pay over said money when collected to the supervisor of said town, who shall disburse the same as directed by the town board of said town, for the purposes above named. And the said town board is hereby authorized and directed to carry out the provisions of this act, and the title of the property thus acquired or purchased shall be vested in the town of New Lots, and be under the control and supervision of said town board, subject, however, to the use of the fire department of said town for fire purposes only.

§ 3. This act shall take effect immediately.

Chap. 326.

AN ACT to authorize the board of supervisors of Kings county to raise* for temporary relief of the out-door poor, and to pay deficiencies in the salary account of the Commissioners of Charities.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

\$10,000
may be
raised.

SECTION 1. The board of supervisors of Kings county, by a two-thirds vote of all the members elected thereto, may raise in such manner as they may deem best, a sum not exceeding ten thousand dollars, for the purchase of provisions and fuel to be distributed by them under such regulations as they may adopt, to the poor and deserving in said county and not inmates of the poor-house or of any other charitable or benevolent institution, the cost and expense of which provisions and fuel shall be included and raised in the next annual tax levy in said county.

Salary ac-
count of
Commis-
sioners of
Charities.

§ 2. The said board of supervisors may also raise in like manner a sum not exceeding sixteen thousand dollars, to meet deficiencies in the salary account of the Commissioners of Charities, and the amount thus raised shall be included in the next annual tax levy of said county.

§ 3. This act shall take effect immediately.

* So in the original.

Chap. 327.

AN ACT to amend an act entitled "An act to authorize William Beard and others to erect, construct, build and maintain sea-walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial use in front of their lands in the twelfth ward of the city of Brooklyn," passed April twenty-fourth, eighteen hundred and sixty-two, and also to amend an act bearing the same title passed April thirtieth, eighteen hundred and sixty-six, passed May twentieth, eighteen hundred and seventy-five.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

§ 2. Erie basin is hereby extended and enlarged as in the first section of this act provided for as on said map described, and the two basins of two hundred feet in width extending as on said map described from the southerly side of Bay street to the exterior sea-wall line are also hereby established, and that portion of Henry street, as shown on the commissioners' map, extending southwesterly from the southwesterly side of Bay street to the bulk-head line, as formerly by law established, is hereby closed and abolished, and the continuation of Henry street shall be a street seventy feet in width, the southeasterly side of which shall be a line parallel with the northwesterly side of Clinton street, and distant six hundred and eighteen feet northwesterly therefrom, which said continuation of Henry street shall extend from the southwesterly side of Bay street to the exterior sea-wall or bulk-head line as established by said act of the Legislature; said last mentioned street is hereby opened and established.

Extension
of Erie
basin.

Continua-
tion of
Henry
street.

That portion of Columbia street as shown on said commissioners' map extending from the southwesterly side of the continuation of Halleck street, to the exterior bulk-head line as formerly established by law, is hereby closed and abolished, and the continuation of said Columbia street shall be a street seventy feet in width, the northwesterly side of which shall be a line parallel with the southeasterly side of Columbia street as at present established, and distant ninety-three feet southeasterly therefrom, which said street shall extend from Halleck street to the exterior sea-wall or bulk-head line as established by law, and said last mentioned street is hereby opened and established.

Columbia
street.

§ 2. This act shall take effect immediately.

Chap. 328.

AN ACT in relation to arrears of taxes and assessments in the city of Brooklyn.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time of
payments.

SECTION 1. At any time within one year after the passage of this act any person may pay to the registrar of arrears the amount of tax or assessment upon property, real or personal, belonging to such person heretofore laid or imposed, and now remaining unpaid, together with interest at seven per cent. per annum to be calculated from the time such tax or assessment was imposed to the time of such payment, and the registrar of arrears shall make and deliver to the person so making such payment a receipt therefor, and shall forthwith cancel the record of any such tax or assessment.

Effect of
payment.

§ 2. Upon such payment, such tax or assessment shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied, and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by reason of any statute heretofore passed requiring the payment of any penalty or interest over the rate of seven per cent. per annum upon any unpaid tax.

Chap. 329.

AN ACT securing to Baptist churches of the State of New York the benefits of incorporation, and repealing chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to authorize the incorporation of Baptist churches in the State of New York, and supplementary to an act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen."

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Churches
now or-
ganized.

SECTION 1. It shall be lawful for any Baptist church now organized, or that may hereafter be organized in this State, to secure the benefits of incorporation according to the provisions of this act.

Election
of trus-
tees.

§ 2. The members of any such church, of full age, and every person of full age who shall, for one year preceding, have been a paying pew-holder, or seat-holder in the place of worship of said church, or shall have been during said year a yearly paying subscriber for the support of said church, may assemble at the place of worship of said church, and by a majority of the votes of such persons elect three, six or nine of said qualified voters as a board of trustees, and such trustees and their successors shall be a body corporate by the title expressed in the certificate hereinafter required to be filed.

Notice.

§ 3. Public notice shall be given of the meeting for the first election of trustees under this act, and also of all subsequent meetings for the

election of trustees, at one regular service of the church on each of the two Sundays next preceding such elections, the object, time and place of such meetings to be distinctly stated in said notices.

§ 4. The trustees thus elected shall be so divided by lot at the first election that one-third of them shall go out of office at the expiration of one year, one-third at the end of two years, and one-third at the end of three years; and thereafter the term of service of one-third of their number shall expire annually, and their place or places shall be filled by a new election, as provided in section third. Term of service.

§ 5. The trustees first elected shall file in the office of the clerk or register of the county in which the church is located, a certificate of their election, duly signed by the chairman and secretary of the meeting at which said election took place, and thenceforth the board of trustees so organized shall be a body corporate by the name expressed in the certificate so filed. Such trustees shall hold regular meetings for business at such time and place as they may appoint, and special meetings may be called by any three of them; a majority of the whole number shall be a quorum for the transaction of business, and a majority of the votes cast on any question shall decide such question. Certificate of election to be filed.

§ 6. Such trustees shall have and use a common seal, and may renew and alter the same at their pleasure, and shall take charge of the property of said church, both real and personal; transact all business relating to the renting of pews, the payment of the pastor's salary, and all the other temporalities of said church; but such trustees shall have no right to divert the property of said church from uses appointed by the church, or to settle or remove any pastor or minister of said church, or to change or determine his salary or compensation; or to fix or change the times, nature or order of the public or social worship of said church; or to alienate, sell or encumber the property of said church, or to incur debts beyond what may be necessary for the proper care, repairs and preservation of the property of said church, unless such authority is specially conferred by said church upon such trustees; and such authority to alienate, sell or incumber shall be valid only when approved by a majority present at a meeting of the persons qualified to vote for trustees, such meeting to be called as provided in section third of this act. In other respects the trustees shall have all the rights, powers and duties granted by law to trustees of religious corporations. Powers and duties of trustees.

§ 7. Whenever a person elected trustee shall, for the term of six consecutive months, cease to attend and to support the worship of said church, his place may be declared vacant by an official notice of the board of trustees to the church, and a new election shall be ordered to fill such vacancy, as provided in section third of this act. Disqualification.

Chap. 330.

AN ACT further to amend chapter forty-seven of the laws of eighteen hundred and thirty-seven, entitled An act to incorporate the Young Men's Association of the city of Buffalo.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter forty-seven of the laws of eighteen hundred and thirty-seven, entitled "an act to incorporate the Young

Men's Association of the city of Buffalo," is hereby amended so as to read as follows:

Executive
commit-
tee, how
consti-
tuted.

Election
of .

Term of
office.

Library.
Commit-
tee.

§ 2. The control and disposal of the funds, property and estate, and the direction and management of the concerns of the said corporation shall be vested in an executive committee. The executive committee from and after the next annual election, shall consist of a president, a treasurer, twelve directors and three curators of the library; and such executive committee shall elect annually from its members a first and second vice-president, a corresponding secretary, and a recording secretary, whose term of office shall be for one year from the date of their election. At the first annual election after the passage of this act, there shall be elected a president and a treasurer, whose term of office shall be one year, and twelve directors and three curators of the library who shall hold office as follows: Four directors and one curator for one year, four directors and one curator for two years, four directors and one curator for three years, and such directors and curators, before entering upon their terms of office, shall determine by lot or otherwise the length of their respective terms of office and file with the secretary of the association their certificate thereof. At each succeeding annual election of said association there shall be elected a president and a treasurer, whose term of office shall be for one year, four directors whose term of office shall be for three years, and one curator of the library whose term of office shall be for three years. The curators of the library shall, with two other members of the executive committee to be appointed by the president, constitute a library committee; the curator whose term of office shall first expire, shall be ex officio chairman of the committee, and the duties of such committee shall be regulated by the by-laws of the association.

§ 2. All the provisions of the acts heretofore enacted by the Legislature relative to said association so far as the same are inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 331.

AN ACT in relation to the Western New York Institution for Deaf Mutes.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reception
of pupils.

Sup't of
Public
Ins. may
appoint.

Supervi-
sors and
overseers
of poor
may send.

SECTION 1. The Western New York Institution for Deaf Mutes, at Rochester, is hereby authorized to receive deaf and dumb persons between the ages of twelve and twenty-five years, eligible to appointment as State pupils, and who may be appointed to it by the Superintendent of Public Instruction, and the Superintendent of Public Instruction is authorized to make appointments to said institution in the same manner and upon the same conditions as to the New York institution for the Instruction of the Deaf and Dumb.

§ 2. Supervisors of towns and wards and overseers of the poor are hereby authorized to send to the Western New York Institution for Deaf Mutes, deaf and dumb persons between the ages of six and twelve years, in the same manner and upon the same conditions as such persons may be sent to the New York Institution for the Instruction of

the Deaf and Dumb, under the provisions of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three.

§ 3. This act shall take effect immediately.

Chap. 332.

AN ACT in relation to the Clyde high school, in the village of Clyde, Wayne county.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Clyde high school, established at Clyde, Wayne county, under the provisions of chapter one hundred and seventy-five of the laws of eighteen hundred and thirty-four, and the amendments thereto, shall hereafter, in its academical department, be subject to visitation and control of the Regents of the University, the same as the academies and academic departments of union free schools, as provided by section twenty-three of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four; and said Clyde high school shall hereafter share in the annual distribution of the literature fund, and of all other moneys divided by the Regents of the University, in the same manner and to the same extent as academies and academic departments of union free schools.

Subject to
Regents of
the Uni-
versity.

Share in
literature
fund.

§ 2. This act shall take effect immediately.

Chap. 333.

AN ACT to amend chapter six hundred and forty-four of the laws of eighteen hundred and seventy-three, in relation to the crime of murder.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter six hundred and forty-four of the laws of eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to repeal chapter four hundred and ten,' passed April fourteenth, eighteen hundred and sixty, and chapter three hundred and three, passed April seventeenth, eighteen hundred and sixty-one, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," passed April twelfth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

§ 1. Section six of the act entitled "An act to repeal chapter four hundred and ten, passed April fourteenth, eighteen hundred and sixty, and chapter three hundred and three, passed April seventeenth, eighteen hundred and sixty-one, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," passed April twelfth, eighteen hundred and sixty-two, is hereby amended so as to read as follows: section five of said title shall be so altered as to read as follows:

First de-
gree of
murder.

§ 5. Such killing, unless it be manslaughter or excusable, or justifiable homicide, as hereinafter provided, shall be murder in the first degree, in the following cases: First, when perpetrated from a deliberate and premeditated design to effect the death of the person killed or of any human being. Second, when perpetrated by an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual. Third, when perpetrated by a person engaged in the commission of any felony. Such killing, unless it be murder in the first degree, or manslaughter, or excusable or justifiable homicide, as hereinafter provided, shall be murder in the second degree when perpetrated intentionally, but without deliberation or premeditation.

Second
degree.

Pending
indict-
ments.

§ 2. Indictments and prosecutions now pending, or which may be hereafter instituted for any offense which shall have been committed prior to the passage of this act, shall be instituted and proceeded with in all respects as if this act had not been passed.

§ * This act shall take effect immediately.

Chap. 334.

AN ACT to change the name of the Knickerbocker Plate Glass and Accidental Insurance Company of New York.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of directors of the Knickerbocker Plate Glass and Accidental Insurance company of New York is hereby authorized to change the name of said insurance company to the "Knickerbocker Casualty Insurance Company of New York," by a resolution to be incorporated in its by-laws, and by filing a copy of the same with the Superintendent of the Insurance Department and in the office of the clerk of the city and county of New York.

§ 2. This act shall take effect immediately.

Chap. 335.

AN ACT to amend section twenty-three, title two, of the amended charter of the city of Brooklyn, passed June twenty-eighth, eighteen hundred and seventy-three.

Passed May 15, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of section twenty-three, title two, of the amended charter of the city of Brooklyn, passed June twenty-eighth, eighteen hundred and seventy-three, as directs the mayor, comptroller and aldermen of said city to include in their statements and estimates, provided for by sections twenty and twenty-one of this title, the sum of ten

* So in the original.

hundred dollars to be paid to the Brooklyn Eclectic Dispensary, be amended so as to read, "the sum of fifteen hundred dollars."

§ 2. This act shall take effect immediately.

Chap. 336.

AN ACT to provide for the payment of an award due from the city of Brooklyn to the Brooklyn park commissioners for lands taken from Prospect park for reservoir purposes.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor, comptroller and city clerk of the city of Brooklyn are hereby authorized and directed to make, issue and sell the bonds of said city of the class issued for the city water loan of said city, to an amount necessary, and pay from the proceeds of the sale of such bonds the amount of the award made for lands taken about the Prospect Hill reservoir by the referee's report on file in the office of the comptroller of said city, dated June twentieth, eighteen hundred and seventy-four, and amounting to two hundred and fifteen thousand three hundred and sixty-five dollars, and interest on the same from the date of said report. Sale of bonds.

§ 2. The Brooklyn park commissioners are hereby authorized and directed to expend said moneys so received in liquidating any indebtedness due or for moneys borrowed to improve the park lands of said city authorized to be sold. Expenditure of funds.

§ 3. This act shall take effect immediately.

Chap. 337.

AN ACT to exempt that portion of the towns of Flatbush and New Utrecht, in the county of Kings, being the place known as Parkville (an unincorporated village), from the operations and provisions of a certain act passed May seventh, eighteen hundred and sixty-nine, entitled "An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county," and such other acts as are supplementary thereto, and amendatory thereof, in so far as said act and acts relate to the opening of new streets and avenues in said Parkville, and in closing old ones therein, and to declare certain streets, roads and avenues therein to be public highways.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That portion of the towns of Flatbush and New Utrecht, in the county of Kings, now known as Parkville (an unincorporated

Exemption of Parkville from act of 1869, as to streets in Kings county.

village), is hereby exempted from the provisions and operations of a certain act passed May seventh, eighteen hundred and sixty-nine, entitled "An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county," and such other acts as are supplementary thereto, or amendatory thereof, in so far as said act and acts relate to the opening of new streets, roads and avenues therein, or in the closing of old ones.

Boundaries of Parkville.

§ 2. The said place, known as Parkville, is, for the purposes of this act, bounded and described as follows: Commencing at the northwest corner of Franklin avenue and Coney Island avenue, as shown upon the commissioners' map, made and filed pursuant to and under said act and acts; running thence southerly along the westerly side of Coney Island avenue to the west corner of Foster avenue and Coney Island avenue; thence, continuing southerly on the westerly side of Coney Island avenue three hundred and twenty-five feet, to a line parallel with Foster avenue; thence, running westerly on said line parallel with Foster avenue, to the east side of Bergen lane; thence running northerly along the east side of Bergen lane (and across Gravesend avenue), to the northeast corner of Franklin avenue and Bergen lane; thence, running easterly along the north side of Franklin avenue (across Gravesend avenue and Ocean park-way), to the place of beginning.

Termination of streets.

§ 3. All streets, roads and avenues appearing on the said commissioners' map to cross, run through or intersect the said place known as Parkville, as comprised within the boundaries in the last preceding section, shall terminate upon the respective boundary sides of said place, and at the place where said streets and avenues, as shown upon the commissioners' map aforesaid, appear to penetrate said boundary sides; and no roads or avenues, as appearing upon the said commissioners' map, shall be opened therein, except such as are hereinafter excepted.

Roads excepted.

§ 4. Ocean park-way and Gravesend avenue are hereby excepted from the provisions and operations of this act, and shall not be in any way affected thereby; and a contemplated street or avenue leading from Brooklyn to Coney Island is also excepted from the provisions and operations of this act, provided said street or avenue be opened in its course through Parkville on a line shown on the said commissioners' map as West street or East Second street.

Streets declared public, etc.

§ 5. All streets, roads and avenues now opened in Parkville within the boundaries as given in the second section of this act, are hereby declared to be public streets and highways, provided said streets, roads and avenues were in existence at the time of the filing of the said commissioners' map; and all other streets and avenues to be hereafter laid out and opened within said place, as bounded and described in the second section of this act, shall conform to the present existing streets and avenues, or as nearly as may be practicable and judicious.

§ 6. This act shall take effect immediately.

Chap. 338.

AN ACT to authorize the county judge of the county of Kings and the surrogate of said county to appoint an interpreter for their courts and to provide for his compensation therefor.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county judge and surrogate of the county of Kings are hereby authorized to appoint some suitable person to act as official interpreter, in the county court and surrogate's court in said county. Appoint-
ment.

§ 2. Such interpreter, when appointed, shall take and file his oath of office with the clerk of said county, in which he shall swear and declare to fully and correctly interpret and translate all questions propounded to witnesses, and the answer thereto, and generally to faithfully and honestly discharge the duties of his office. Oath.

§ 3. Such interpreter shall receive as compensation for his services, the sum of four dollars per day, for every day actually employed in said courts, to be certified to by the clerk of said courts respectively, and shall be paid monthly by the treasurer of the county of Kings. Salary.

§ 4. This act shall take effect immediately.

Chap. 339.

AN ACT authorizing the appointment of extra guard and an engineer at the Auburn prison.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the number of guards now authorized by law at the Auburn prison, the Inspectors of State Prisons may when the number of convicts exceed in number the number of cells thereat, appoint one additional or extra guard for each thirty convicts or a fractional part thereof, which may be from time to time confined in said prison in excess of the number of cells therein, for the purpose of guarding such excess of convicts nights, and the compensation of such guard shall be the same as allowed by law to guard at said prison. Extra
guards.

Compen-
sation.

§ 2. The Comptroller is hereby authorized and directed to allow payment for such extra guard that may have been employed at said prison since the first day of December, one thousand eight hundred and seventy-five, in guarding the excess of convicts over the number of cells in said prison, at the same compensation and in the same rates as provided for in section one of this act. Payment
for extra
guard
heretofore
employed.

§ 3. The said Inspectors of State Prisons may appoint an engineer at the Auburn prison, and his compensation shall be seventy-five dollars per month. Appoint-
ment of
engineer.

§ 4. This act shall take effect immediately.

Chap. 340.

AN ACT to amend the act entitled "An act to construct and protect sidewalks along highways," passed March tenth, eighteen hundred and sixty.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections one and two of the act entitled "An act to construct and protect sidewalks along highways," passed March tenth, one thousand eight hundred and sixty, are hereby amended so as to read as follows:

Side-
walks,
construc-
tion of.

Penalty
for riding
on.

§ 1. It shall be lawful for any person owning or occupying lands adjoining a highway, road or lane, to construct a sidewalk within said highway, road or lane, along the line of such land or the lands of others, with the consent of such other owner or owners, and when a sidewalk shall be or has been so constructed, every person or persons who shall ride, drive or lead a horse or team upon any such sidewalk, except for the purposes of crossing the same, shall forfeit not less than two nor more than five dollars for each offense, in the discretion of the court, one-half for the use of the complainant and the other half to the overseer of the road district, to be expended in the improvement of sidewalks therein, to be recovered in any court having cognizance thereof, with costs of suit.

Who may
prosecute.

§ 2. Whenever any owner or occupant of any such land shall refuse or neglect to prosecute for the forfeiture incurred by such trespass, it shall be lawful for any other party or person interested or who shall reside in the said district in which the sidewalk is constructed, to prosecute in his own name the person or persons so incurring such forfeiture, the proceeds of which shall go, one-half to the prosecutor for his trouble and expense and the other half for the improvement of sidewalks, as in section first.

§ 3. This act shall take effect immediately,

Chap. 341.

AN ACT regulating the forfeiture of life insurance policies.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Notice to
assured
required.

SECTION 1. No life insurance company doing business in the State of New York shall have power to declare forfeited or lapsed any policy hereafter issued or renewed, by reason of non-payment of any annual premium or interest, or any portion thereof, unless a notice in writing, stating the amount of annual premiums or interest due and when due on such policy, and the place where said premium or interest may be paid, shall have been duly addressed and mailed by the company issuing such policy to the insured, postage paid, at his or her last known post-office address, not less than thirty nor more than sixty days next before such payment becomes due, according to the terms of such policy.

§ 2. The affidavit of any officer, clerk or agent of the company that the notice to the assured, provided for in section one, has been duly addressed and mailed by the company issuing such policy to the assured, shall be presumptive evidence of such notice having been duly given. Proof of service.

§ 3. This act shall take effect immediately.

Chap. 342.

AN ACT to amend chapter six hundred and forty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church" and supplementary thereto.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the corporation created by chapter six hundred and forty-seven of the laws of eighteen hundred and seventy-two, entitled An act to incorporate the Shelter Island Grove and Camp-Meeting Association of the Methodist Episcopal Church, passed May eleventh, eighteen hundred and seventy-two, is the Shelter Island Grove and Camp-Meeting Association of the Methodist Episcopal Church; and that portion of section one of said act which reads as follows: "Under the name of the Shelter Island Camp-Meeting Association of the Methodist Episcopal Church," is hereby amended so as to read as follows: "Under the name of the Shelter Island Grove and Camp-Meeting Association of the Methodist Episcopal Church." Name of corporation.

§ 2. Each and every act and deed heretofore done or executed by authority of said corporation, by or in the name of, or under the seal of, the Shelter Island Grove and Camp-Meeting Association of the Methodist Episcopal Church, or the Shelter Island Camp-Meeting Association of the Methodist Episcopal Church, shall be deemed and construed, and is hereby declared to be a good and valid act or deed of the corporation created by said chapter six hundred and forty-seven of the laws of eighteen hundred and seventy-two; but this section shall not affect any suit or proceeding now pending. Acts legalized.

§ 3. It shall be lawful for the said corporation at any time hereafter to reduce its capital stock to such an amount that its capital stock outstanding after such reduction shall, at par, be equal to or exceed thirty thousand dollars; and it shall be lawful for the said corporation, at any time after it has determined to thus reduce its capital stock, to purchase and cancel so much of its stock as shall then be outstanding in excess of the amount to which it shall have determined to reduce the same. Capital stock.

§ 4. This act shall take effect immediately.

Chap. 343.

AN ACT supplementary to chapter four hundred and ninety-two of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Home for the Friendless in Northern New York."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Adoption
of chil-
dren.

SECTION 1. The board of managers of the "Home for the Friendless in Northern New York," may consent to the adoption of any child that has been or may hereafter be surrendered to the care and management of such association, or that has been or shall hereafter be placed in its care and keeping by any county superintendent of the poor, or overseer of the poor, or other officers charged with the support and relief of indigent persons; and no other consent required by the act entitled "An act to legalize the adoption of minor children by adult persons," passed June twenty-fifth, eighteen hundred and seventy-three, except that required by the third section of said act, shall be necessary for the adoption of such child.

§ 2. This act shall take effect immediately.

Chap. 344.

AN ACT to release the interest of the People of the State of New York in certain real estate in the town of Ticonderoga, in the county of Essex, to Margaret Rogers.

Passed May 15, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Release.

SECTION 1. All the estate, right, title and interest of the People of the State of New York, of, in and to all that certain village lot or parcel of land in the Stoughton tract, containing three-quarters of an acre of land, more or less, situate in the town of Ticonderoga, in the county of Essex and State of New York, being the same premises more particularly described in a deed of conveyance to John B. Rogers by Alexander Woodard and Sophia his wife, dated August eleventh, one thousand eight hundred and seventy-three, and recorded in the office of the clerk of the county of Essex aforesaid in book number seventy-one of deeds, on page two hundred and seventy-one, and which escheated to the People of the State of New York upon the death of said John B. Rogers, late of said town of Ticonderoga, is hereby released and conveyed to Margaret Rogers, widow of said John B. Rogers, and to her heirs and assigns forever.

Rights not
affected.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in the said real estate of any heir at law, devisee, purchaser or creditor, by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

Chap. 345.

AN ACT to provide for submitting amendments to the Constitution to the electors of the State.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inspectors at each poll in the several towns and wards of this State, at the general election to be held in this State on the seventh day of November, one thousand eight hundred and seventy-six, shall provide a box to receive the ballots of the citizens of this State, in relation to the amendments proposed to the Constitution, as hereinafter mentioned, and each voter may present a ballot on which shall be written or printed, or partly written or partly printed in the form following, namely: For the propositions in this ballot which are not canceled with ink or pencil; and against those which are so canceled. For the proposed amendments to section three, article five of the Constitution, relative to the appointment of a Superintendent of Public Works and the abolition of the office of Canal Commissioner. For the proposed amendment to section four, article five of the Constitution, relative to the appointment of a Superintendent of State Prisons and the abolition of the office of Inspector of State Prisons. Each of said ballots shall be counted as a vote cast for each proposition thereon not canceled with ink or pencil, and against each proposition so canceled; and returns thereof shall be made accordingly by inspectors of election and canvassers. The said ballot shall be indorsed, "Constitutional amendments." And all the citizens of this State entitled to vote for Member of Assembly in their respective districts, shall be entitled to vote on the adoption of the said proposed amendments during the day of election in the several election districts in which they reside.

Ballot
boxes.

Form of
ballot.

Counting.

Indorse-
ment.

Qualifica-
tion of
electors.

§ 2. After finally closing the polls of such election, the inspectors thereof shall count and canvass the ballots given relative to the said proposed amendments in the same manner as they are required by law to canvass the ballots given for Governor, and thereupon shall set down in writing the whole number of votes given for each of the said proposed amendments, in the words in which said amendment is hereinbefore given, and the whole number of votes given against each of the said proposed amendments, in the words in which said amendment is hereinbefore given, and shall certify and subscribe the same, and cause copies thereof to be made and certified and delivered as prescribed by law in respect to the canvass of votes given at an election for Governor.

Canvass.

§ 3. The votes so given shall be canvassed by the board of county canvassers, and statements thereof shall be made, certified and signed, and recorded in the manner required by law in respect to the canvassing of votes given at an election for Governor; and certified copies of the statements and certificates of the county canvassers shall be made, certified and transmitted by the county clerks respectively in the manner provided by law in cases of an election for Governor. The said certified copies transmitted by the county clerks shall be canvassed by the board of State canvassers in the like manner as provided by law in respect to the election of Governor, and in like manner they shall make and file a certificate of the result of such canvass, which shall be entered of record by the Secretary of State, and shall be published by

County
canvass.

him in the State paper, and in the paper designated by the several boards of supervisors to publish the session laws, or which may be designated by said board to publish said certificate, and in any county in which such designation is not made for the present year, in one paper published in each Assembly district of such county to be designated by the Secretary of State.

Publica-
tion of
amend-
ments,
etc.

§ 4. It shall be the duty of the Secretary of State to cause the said proposed amendments to the Constitution, together with the form of the ballot, as herein specified, to be published in the manner provided for the publication of the certificate of the result of the canvass as provided by section three hereof, at least twice prior to such election, but no neglect or failure to publish shall impair the validity of such election.

Chap. 346.

AN ACT further to amend chapter four hundred and twenty-five of the laws of eighteen hundred and fifty-five, entitled "An act to facilitate the forming of agricultural and horticultural societies."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter four hundred and twenty-five of the laws of eighteen hundred and fifty-five, entitled "An act to facilitate the forming of agricultural and horticultural societies," is hereby further amended so as to read as follows:

§ 4. Any person who shall pay into the treasury of said society annually a sum not less than one dollar, as prescribed by the by-laws of said society, shall be an annual member thereof, and entitled to all the privileges and immunities thereof.

§ 2. This act shall take effect immediately.

Chap. 347.

AN ACT to amend chapter eight hundred and thirty-one of the laws of eighteen hundred and seventy-one, entitled "An act for the protection of private parks and grounds, and to encourage the propagation of fish and game."

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of chapter eight hundred and thirty-one of the laws of eighteen hundred and seventy-one, being an act entitled "An act for the protection of private parks and grounds, and to encourage the propagation of fish and game," is hereby amended so as to read as follows:

§ 3. Any person who shall cut, break or destroy any fence or enclosure, or any tree, branch, shrub or underwood, or shall put on said

grounds, or in the waters thereon, any poisonous or other deleterious substance, or who shall trespass upon said park or grounds shall, in addition to treble damages to be recovered in a civil action to be brought by said owner, lessee or occupant, be guilty of a misdemeanor. Certain acts misdemeanors.

§ 2. The fourth section of said act is hereby amended so as to read as follows:

§ 4. Any person who shall willfully and maliciously deface or destroy any sign or notice posted or put up as aforesaid, or who shall place any object against or near such fence or enclosure, so that dogs or other animals can gain access or get into said park or grounds, or so that animals kept therein can escape therefrom, or who shall put or take into said park or grounds any dog or other destructive animal, or who shall, without first obtaining permission of such owner, occupant or lessee, shoot, fish or hunt, or attempt to shoot, fish or hunt, upon said grounds or in the waters thereon, or who shall be found therein or thereon with any line, hook, rod, reel, pole, net, gun, or any implement, weapon, tool or engine with the intention of killing or taking any fish or game, shall be guilty of a misdemeanor, and shall also be liable to a penalty of two dollars for each fish, and an additional fine of five dollars for each and every pound of fish so killed, caught or taken, in addition to treble damages, to be recovered in a civil action, with costs, to be brought by said owner, lessee or occupant. The same. Hunting, etc., prohibited. Penalty.

§ 3. The sixth section of said act is hereby amended so as to read as follows:

§ 6. Upon complaint made on oath to any justice of the peace or other magistrate in the county wherein such land or any part thereof is situated, that any person has committed any of the offenses specified in the third or fourth sections of this act, such justice or magistrate shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before him for examination. But any person found in or on such land or the waters thereon, after sunset and before sunrise, committing any of the offenses specified in sections third and fourth of this act, may be arrested without warrant and brought before such justice or magistrate for examination by such owner, occupant or lessee, or by any person or persons in his or her employ having charge or care of such grounds or waters, or any part thereof. Issue of warrants. Arrest without warrant.

§ 4. The ninth section of said act is hereby amended so as to read as follows:

§ 9. No conviction or sentence shall be had, under the provisions of this act, without trial by jury of the party arrested, if demanded, according to the law in cases of trial for other misdemeanors. All fines, penalties and damages imposed under the provisions of this act may be recovered with costs of suit by the owner, occupant or lessee of the land in his, her or their own names, by an action in the Supreme Court, or any court of competent jurisdiction of this State, which action shall be governed by the same rules as other actions in said Supreme Court or other court of record. On the non-payment of any judgment recovered in pursuance hereof, the defendant shall be committed to the common jail of the county in which such action shall be brought, for the period which shall be computed at the rate, one day for each dollar of the amount of judgment, not to exceed thirty days. Trial by jury. Collection of fines, etc. In default of payment.

Chap. 348.

AN ACT to amend section thirty-two, part first, title one, article three, chapter sixteen of the Revised Statutes.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two of the Revised Statutes, entitled Of highways, bridges and ferries, is hereby amended so as to read as follows:

Overseers of highways to notify persons to work on roads.

§ 32. It shall be the duty of overseers of highways to give at least twenty-four hours' notice to all persons assessed to work on the highways and residing within the limits of their respective districts, of the time and place where they are to appear for that purpose, and with what implements, and also that they will be allowed for work at the rate of eight hours per day for all the hours for which they may work on the highways between the hour of seven o'clock in the forenoon, and six o'clock in the afternoon. The highway tax upon any land or property shall be worked out or commuted for in the district in which said land or property is situated, and if commuted for, the money shall be paid to the overseer of said district for the benefit of the roads and bridges in said district; but this act shall not apply to or affect any county, city, village, town or district where the disposition of the highway tax has been provided for by special enactment.

Tax to be worked out in home district.

§ 2. This act shall take effect immediately.

Chap. 349.

AN ACT to enable the trustees of the village of Skaneateles, in the county of Onondaga, to raise money by tax for the payment of certain indebtedness created during the year eighteen hundred and seventy-five, and including the year eighteen hundred and seventy-six.

Passed May 15, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax of \$850.

SECTION 1. The trustees of the village of Skaneateles, in the county of Onondaga, are hereby authorized and empowered to levy and collect, by tax upon the real and personal property within said village of Skaneateles, in addition to the amount now authorized by law to be levied and collected, not to exceed the sum of eight hundred and fifty dollars, for the purpose of paying and satisfying the indebtedness created or contracted by the board of trustees of said village of Skaneateles, during the year eighteen hundred and seventy-five and the year eighteen hundred and seventy-six, provided, however, that the claims and accounts, with those not included in the assessment of last year and which are hereby legalized, making up this indebtedness, shall be first adjusted, audited and allowed, by said trustees.

Audit of claims.

§ 2. Said amount, or such part thereof as shall be necessary to liquidate and pay the accounts and claims so adjusted, audited and allowed, shall be levied, assessed and collected at the same time and in the same manner, and shall be included in the same tax lists with the taxes now authorized by law to be levied and collected within said village of Skaneateles, or which may be levied and collected during the year eighteen hundred and seventy-six; and if it shall not be possible to include the same in the tax lists for eighteen hundred and seventy-six, then the said trustees shall, within three months after the passage of this act, proceed to levy and collect the same, in the same manner as now authorized by law for the collection of other taxes in said village, by separate levy, assessment and warrant.

Levy and
collection
to pay in-
debted-
ness.

§ 3. The said trustees of the village of Skaneateles, before the payment of such indebtedness, are authorized and empowered, and it shall be their duty, to audit and allow the claims and accounts which make up such indebtedness, in whole or in part, in the same manner as they are now authorized by law to audit and allow claims and accounts of their own contracting, and the claims and accounts so audited and allowed shall be paid by drafts drawn upon the treasurer of said village, which shall be paid out of the funds or moneys collected by the provisions of this act and not otherwise; and the balance of said sum, if any there be, after the payment of such indebtedness, and the expenses incurred by the trustees and otherwise of said village for the year eighteen hundred and seventy-five and the year eighteen hundred and seventy-six, in and about the indebtedness so created, shall be transferred to the general fund belonging to said village.

Manner of
auditing.

Payment.

Balance,
if any.

§ 4. This act shall take effect immediately.

Chap. 350.

AN ACT to amend chapter forty-eight of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Odd Fellows' Hall association of Watertown."

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter forty-eight of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Odd Fellows' hall association of Watertown," is hereby amended so as to read as follows:

§ 5. Said trustees shall have no power to purchase, sell, convey or dispose of any property, real or personal belonging to said corporation, except they shall be first authorized so to do by each of the bodies of Odd Fellows mentioned in the first section of the act aforesaid, by resolution passed at regular stated meetings thereof, and said trustees shall at all times obey and abide by the directions, orders and resolutions of said bodies duly passed at regular stated meetings, according to and not contravening the Constitution and laws of this State, provided, however, that said trustees shall not sell and convey by deed, mortgage, lease or otherwise the real property of said corporation

Sale and
convey-
ance of
real es-
tate.

without an order from the Supreme or Jefferson county court, founded upon a resolution authorizing the same, passed by the affirmative vote of two-thirds of all the members in good standing of said lodge and encampment: the vote to be taken by ayes and noes, at some meeting subsequent to the time of offering the same.

Treasurer,
designated of.
Bond.

§ 2. The trustees elected as provided by said act, shall annually after the first day of January in each year, designate one of their number as treasurer, who after executing and filing a bond as hereinafter provided, shall be known as the treasurer of said corporation, who shall receive all moneys and safely keep all securities of said corporation, and disburse the moneys under the direction of said trustees as authorized by the act aforesaid. The trustee so designated as treasurer shall within ten days thereafter execute to said corporation a bond, with not less than two sureties, who shall justify in double the amount of the bond, said bond shall be for the sum of five hundred dollars, and such further or additional sum as may be fixed or required by resolution of said lodge the condition of said bond shall be for the faithful discharge of his duties as treasurer of said corporation, and that he will render a just and true account of all moneys, securities and things that may come into his hands as such treasurer, and that he will pay over all balances that shall at the expiration of his term of office to his successor; said bond to be approved by the trustees and Noble Grand, of the lodge aforesaid, and when so approved, filed with the treasurer of said lodge. The term of office of the treasurer of said corporation shall continue from the time of filing said bond to the first of January next thereafter and until his successor shall have duly executed and filed his bond as aforesaid. All vacancies may be filled by the trustees for the unexpired term.

Approval
of bond.

Term as
treasurer.

Vacancies.

§ 3. This act shall take effect immediately.

Chap. 351.

AN ACT to amend section two of chapter six hundred and seven of the laws of eighteen hundred and sixty-nine, passed May fifth, eighteen hundred and sixty-nine, relating to the rates of fare on the Troy and Boston railroad.

Passed May 15, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter six hundred and seven of the laws of eighteen hundred and sixty-nine, relative to the rates of fare on the Troy and Boston railroad, is hereby amended so as to read as follows:

§ 2. It shall be lawful for the Troy and Boston railroad company to charge four cents per mile until the first day of October, eighteen hundred and seventy-six, and no longer

Chap. 352.

AN ACT to amend chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-four, entitled "An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings."

Passed May 16, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter five hundred and eighty-three of the laws of eighteen hundred and seventy-four, entitled "An act to lay out and improve a public highway or avenue and concourse in continuation of a public highway or avenue heretofore laid out from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings," is hereby amended so as to read as follows:

§ 7. After the reports of estimate and assessment for taking and opening the said avenue, and said concourse or lateral branch or shore road at the Ocean beach, shall have been confirmed, the title to the concourse or lateral branch or shore road shall vest in the county of Kings in fee simple absolute, and said reports, together with the maps hereinbefore referred to, shall be filed in the office of the clerk of the county of Kings, and the said Brooklyn park commissioners shall be thereupon authorized to improve the said avenue and said concourse, lateral branch or shore road at the Ocean beach, according to plans devised and adopted, or to be devised and adopted, by them; and for that purpose they may cause the same to be graded, paved, curbed, guttered and bridged, and shade trees planted thereon, and may lay out and construct such carriageways, sidewalks and areas with such terraces, drives or concourses on the Ocean beach as they may deem expedient, and such improvements may be made in sections, and from time to time, if they shall so elect. They shall have full and exclusive power to govern and manage the Ocean Park-way from the circle at the south-westerly angle of Prospect park to the ocean, and direct the public use thereof, as also the circle and concourse at either terminus, and of such parts of the several roads, streets or avenues as run through or intersect the same, and to pass and enforce laws and ordinances for the proper use, regulation and government thereof, and for all the purposes of such government, management and direction of public use such parts of said roads or avenues as pass through or intersect said circles shall be deemed to be a part of Prospect park, and it shall be under like control and management as said Park-way.

Title to
vest in
Kings
county.

Improve-
ment of
avenue.

Park com-
missioners
to have
control.

§ 2. Said act is hereby amended by adding at the end thereof the following section:

§ 15. The said Brooklyn park commissioners are hereby authorized to expend a sum not exceeding ten thousand dollars without contract in the payment of laborers' wages, and in the purchase of such lands and material as may be necessary for the construction of said avenue and concourse, to be paid out of any moneys they are authorized to expend for said improvements and upon their certificate, but nothing herein contained shall be construed to authorize any expenditure in excess of the amount now fixed by law.

May ex-
pend \$10,-
000 with-
out con-
tract, etc.

§ 3. This act shall take effect immediately.

Chap. 353.

AN ACT in relation to the Merchants' Loan Company.

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time within which the Merchants' Loan Company, incorporated by an act entitled "An act to incorporate the Merchants' Loan Company," approved June thirteenth, eighteen hundred and seventy-four, may organize and commence business, is hereby extended one year from the passage of this act.

Chap. 354.

• AN ACT to extend the time for the organization of the International Trust Company of New York.

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The International Trust Company of New York, named in the act chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the International Exchange and Agency Company of New York, incorporated by chapter six hundred and eighty-four of the laws of eighteen hundred and seventy-three," may organize and commence its operations at any time within two years from the passage of this act

§ 2. This act shall take effect immediately.

Chap. 355.

AN ACT to extend the time for the organization of the Mutual Trust Institution, of the city of New York.

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time in which the Mutual Trust Institution of the city of New York is required to complete its organization by law, and by an act entitled "An act to incorporate the Mutual Trust Institution of the city of New York," passed April twenty-fourth, eighteen hundred and seventy-two, is hereby extended for one year from the passage of this act.

•

Chap. 356.

AN ACT in relation to summary proceedings in the city of New York, to recover the possession of lands for non-payment of rent, and for holding over after expiration of term.

Passed May 19, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No proceedings shall be taken before any justice of any district court of the city of New York to dispossess any tenant or tenants under the statute in relation to summary proceedings to recover the possession of lands, unless the summons is returnable and all the proceedings are before such justice at the district court-house, or the building designated by the mayor, aldermen and commonalty of the city of New York as the place where the court of said justice shall be held. Place for proceedings.

§ 2. All costs and fees allowed by law to any such justice in any such proceeding shall be paid to the clerk of the district court of the justice before whom such proceeding is commenced, and every such clerk shall, monthly, on the last day of each month, account for, return and pay over, all such costs and fees therefor paid to the comptroller of the city of New York. Costs and fees.

§ 3. This act shall take effect immediately.

Chap. 357.

AN ACT to amend section one of chapter one hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and seventy of the laws of eighteen hundred and seventy-five, entitled "An act to amend section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" is hereby amended so as to read as follows:

§ 1. Section nine of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," is hereby amended so as to read as follows:

§ 9. No company organized under this act shall be permitted to purchase, hold or convey real estate except for the purpose or in the manner herein set forth, to wit: Limit to real estate.

1. The building in which is contained its principal offices and the land upon which it stands; or,
 2. Such as shall be requisite for its accommodation in the transaction of its business; or,
 3. Such as shall have been acquired for the accommodation of its business previous to the passage hereof; or,
 4. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due; or,
 5. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealing; or,
 6. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts. And it shall not be lawful for any company incorporated as aforesaid to purchase, hold or convey real estate in any other case, or for any other purpose. And all such real estate mortgaged and conveyed in satisfaction of debt or acquired by purchase at sale as aforesaid, shall be sold and disposed of within five years after such company shall have acquired title to the same; unless the said company shall procure a certificate from the Superintendent of the Insurance Department that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the said Superintendent shall direct in said certificate.
- § 2. This act shall apply to all life insurance companies organized under the laws of this State.
- § 3. This act shall take effect immediately.

Chap. 358.

AN ACT to amend chapter eight hundred and thirty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth, eighteen hundred and forty-eight."

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter eight hundred and thirty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February seventeenth, eighteen hundred and forty-eight," is hereby amended so as to read as follows:

Compa-
nies to
hold stock
in other
corpora-
tions.

§ 3. It shall be lawful for any company heretofore or hereafter organized under the provisions of this act, or the act hereby amended, to hold stock in the capital of any corporation engaged in the business of mining, manufacturing or transporting such materials as are required in the prosecution of the business of such company so long as they shall furnish or transport such materials for the use of such company and for two years thereafter, and no longer; and also to hold stock in the capital of any corporation which shall use or manufacture mate-

rials, mined or produced by such company; and the trustees of such company shall have the same power with respect to the purchase of such stock and issuing stock therefor as are now given by the law with respect to the purchase of mines, manufactories and other property necessary to the business of manufacturing, mining and other companies. But the capital stock of such company shall not be increased without the consent of the owners of two-thirds of the stock to be obtained as provided by sections twenty-one and twenty-two of the act hereby amended. Purchasing of stock.
Increase of stock.

§ 2. This act shall take effect immediately.

Chap. 359.

AN ACT to amend chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," passed May twenty-eight, eighteen hundred and seventy-five.

Passed May 19, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and sixty-five, of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages by fire insurance companies not organized under the laws of the State of New York, but doing business therein," is hereby amended so as to read as follows:

§ 1. There shall be paid to the treasurer of the fire department of every city or incorporated village of this State, for the use and benefit of such fire department, and when no treasurer of a fire department exists, then to the treasurer of such city or village, who, for the purpose of this act, shall have the same powers as the treasurers of fire departments, on the first day of November of each year, by every person who shall act as agent for or on behalf of any individual or association of individuals, not incorporated by or under the laws of this State, to effect insurance against loss or injury by fire upon property in this State, although such individual or association may be incorporated for that purpose by any other State or country, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which, during the year or part of a year, ending on the last preceding first day of September, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent or otherwise, to be effected against loss or injury by fire, upon property situate within the corporate limits of such city or village. Tax on premiums for benefit of fire department.

§ 2. Section two of said act is hereby amended so as to read as follows:

Bond for
payment,
etc.

§ 2. No person shall, as agent or otherwise for any individual, individuals or association, effect or agree to effect any insurance upon any property situate in any city or incorporated village of this State, upon which the above duty is required to be paid, or as agent or otherwise procure such insurance to be effected until he shall have executed and delivered to the treasurer of the fire department of the city or village in which the property insured is situated, or if no treasurer of a fire department exists, then to the treasurer of such city or village, a bond to such fire department in the penal sum of five hundred dollars, with such sureties as such treasurer shall approve, with a condition that he will annually render to said treasurer, on the first day of November in each year, a just and true account, verified by his oath that the same is true of all premiums which, during the year ending on the first day of September preceding such report, shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire upon property situate in such city or village which shall have been effected or procured by him to be effected for any individual, individuals or association not incorporated by the laws of this State as aforesaid, and that he will annually, on the first day of November in each year, pay to said treasurer two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

§ 3. Section four of said act is hereby amended so as to read as follows:

Excep-
tions.

§ 4. None of the provisions of this act shall apply to the cities of New York or Albany.

Chap. 360.

AN ACT to facilitate the distribution of the property and effects of the Asbury Life Insurance Company.

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Distribu-
tion of se-
curities.

SECTION 1. A receiver of the property and effects of the Asbury Life Insurance Company, having been duly appointed by the Supreme Court of the State of New York, upon the petition of the Attorney-General, for the purpose of collecting, receiving and distributing the property and effects of said company, and the said receiver having given proper security, which has been approved by the Supreme Court, the Attorney-General or the said receiver, on notice to the Attorney-General, may apply to said court in the proceeding in which said order was made, for an order upon the foot thereof, directing the distribution of all the securities, money or other property belonging to the said company or heretofore deposited by said company with the Insurance Department, under or by virtue of the provisions of any law or laws of this State, requiring or permitting such deposits for any purpose. And said court shall have power to refer such application, to inquire into and report upon the allegations stated in such application, and upon the filing of such report, the said court may direct that the securities and property aforesaid be transferred by the Superintendent of the Insurance Department to said receiver and be distributed to and

Reference
of applica-
tion.

Court may
direct
transfer.

among the policy holders of said company, as their rights may be determined by the court upon such application, and that the residue, if any, be distributed to and among the creditors or other persons having legal rights therein, as the same may be established by law, on due notice to said receiver. Distribution, etc.

§ 2. Upon such order being entered, and a certified copy thereof duly served upon the Superintendent of the Insurance Department, he is hereby authorized and directed to assign, transfer and deliver the said securities, money or property, or otherwise dispose of the same as he may be directed by said order. Supt. of Ins. Dept. to assign.

§ 3. This act shall take effect immediately.

Chap. 361.

AN ACT to amend chapter seven hundred and thirty-seven of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Brooklyn Young Men's Christian Association."

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter seven hundred and thirty-seven of the laws of eighteen hundred sixty-nine, entitled "An act to incorporate the Brooklyn Young Men's Christian Association," is hereby amended so as to read as follows:

§ 4. The corporate powers of said corporation, except as hereinafter otherwise provided, shall be vested in a board of thirty directors, the same to be active members of this association. The first board of directors shall consist of the following named persons, namely: Zachery Eddy, William M. Martin, Enos N. Taft, Silas M. Giddings, William Edsall, James L. Brumley, who shall constitute the first class, and hold office until the first day of June, eighteen hundred and seventy; and William S. Studley, Wayland Hoyt, William C. Spelman, Stewart L. Woodford, Francis Moran, James P. Wallace, who shall constitute the second class, and hold office until the first day of June, eighteen hundred and seventy-one; and Eli H. Canfield, E. G. Andrews, Cornelius D. Wood, William W. Wickes, Alanson Trask, Dewitt S. Taylor, who shall constitute the third class, and hold office until the first day of June, eighteen hundred and seventy-two; and Joseph Kimball, David Moore, Jr., John French, Darwin G. Eaton, J. H. Puleston, William J. Buddington, who shall constitute the fourth class, and hold office until the first day of June, eighteen hundred and seventy-three; and Richard S. Storrs, Jr., Noah H. Schenck, Joseph T. Duryea, George G. Reynolds, David D. Cochran, Charles L. Colby, who shall constitute the fifth class, and hold office until the first day of June, eighteen hundred and seventy-four. On the Second Tuesday in May, eighteen hundred and seventy, and yearly thereafter, there shall be elected six directors from persons in church communion with the following six churches or religious denominations, namely: Reformed, Protestant Episcopal, Congregational, Presbyterian, Baptist and Methodist, to wit: one from each of such churches or denominations to hold office for the term of Directors. Classification.

Annual selection of.

Failure to
nominate.

Vacancies.

five years from the first day of June next ensuing the date above named for their election. The election of directors shall be by the board. The members of said corporation belonging to each of said churches or denominations, to wit: Reformed, Protestant Episcopal, Congregational, Presbyterian, Baptist and Methodist, may on the second Tuesday of April of each year, nominate to the board for election one person from their respective religious bodies. In case of failure of either church or denomination to make such nomination, then the board may elect a person from each of the said churches or denominations failing to nominate in such manner adopted by them in filling vacancies. All vacancies occurring in the board of directors by death, removal, loss of church membership, or other causes, shall be filled by the board. It shall be competent for the board of directors to declare the place of a member vacant who shall have been absent from three of its consecutive meetings.

§ 2. This act shall take effect immediately.

Chap. 362.

AN ACT to consolidate the corporations, entitled "The Proprietors of the Long Wharf at Sag Harbor," and "The Sag Harbor Wharf Company," and relating to the franchises and property thereof.

Passed May 19, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation.

SECTION 1. The corporations known as the proprietors of "The Long Wharf at Sag Harbor," created by chapter one hundred and seventy-four of the laws of eighteen hundred and thirty, and the "Sag Harbor Wharf Company," created by chapter one hundred and sixty-nine of the laws of eighteen hundred and thirty-three, are hereby consolidated and made one body corporate under the name of the "Sag Harbor Wharf Company."

Property of corporations.

§ 2. All the franchises, privileges, stock, wharf, wharves, land, land under water, rights, grants, powers, and all real and personal property and estate of every description of either of the said corporations are hereby consolidated and vested and confirmed in the "Sag Harbor Wharf Company," with full power to said company to control and manage the same as its corporate property, and to recover and hold the same to its own sole use and benefit.

Lands under water released.

§ 3. All the right, title and interest of the People of the State of New York to any land and lands under the water adjoining the wharf of either or both of the said companies, to the width and extent of the ancient grants of the towns of Easthampton and Southampton, made to John Foster and others, in the year seventeen hundred and seventy, and eighteen hundred and eight, but not exceeding two hundred feet in width, is hereby released to the Sag Harbor Wharf Company and its assigns.

Rates of wharfage.

§ 4. The Sag Harbor Wharf Company shall have power to establish such rates as the officers of such company shall at any time consider reasonable and proper, to be imposed as wharfage on vessels, merchandise, goods and chattels, transported over or landed or deposited

on its wharf, or any part thereof; and may retain such property as Collection of same. security for the payment of such rates or charges, until the charges and rates imposed thereon shall be paid.

§ 5. This act shall take effect immediately.

Chap. 363.

AN ACT to repeal part of chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to amend the act passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend the act passed February seventeen, eighteen hundred and forty-eight,' entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April twentieth, eighteen hundred and seventy-one.'"

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, which reads as follows, namely: "The stockholders of any corporation hereafter formed under the act hereby amended, or any act amendatory thereof or supplementary thereto, or extending the operation and effect thereof, shall, in addition to the liabilities provided for in said acts, be individually responsible, equally and ratably, in an amount to the extent of their respective shares of stock in such corporation. The term stockholder, as used in this section, shall apply not only to such persons as appear by the books of the corporation or association to be such, but also to every equitable owner of stock, although the same may appear on such books in the name of another person; and also to every person who shall have advanced the installments or purchase money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor, to the extent of such advance; and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock; and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act and the acts aforesaid, by reason of any such investment, nor shall the person for whose benefit any such investment may be made be responsible in respect to such stock until thirty days after the time when such persons, respectively, become competent and able to control and dispose of the same; but the guardian or other trustee making such investment as aforesaid shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein; and in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer or giving such directions, and his executors and adminis-

Individual responsibility.

Who deemed stockholders.

trators shall, for the purposes of this act and the acts aforesaid, be deemed a stockholder, and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock according to the provisions of this act," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 364.

AN ACT for the relief of Josiah Sullivan.

Passed May 19, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supreme Court of this State, at any general term of the fourth department thereof, is hereby authorized to waive alienage of Josiah Sullivan, and to admit said Josiah Sullivan to practice in all the courts in this State, upon his complying with the rules of the Supreme Court of the State of New York, for admission to the bar on his furnishing satisfactory proof of his residence within this State and of having declared his intentions to become a citizen of the United States.

Chap. 365.

AN ACT relative to lands held in trust by Charles H. Holden for the benefit of Harriet Perry and certain of her descendants.

Passed May 19, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Mortgag-
ing of real
estate.

Appoint-
ment of
guardi-
ans.

Proof of
'tion.

SECTION 1. On the petition of Charles H. Holden, as trustee, and of Harriet Perry, Anne E. McCaffrey and her children in being, Helen A. Perry and Mary L. Eggeling, in person, if of age, and by a next friend, if infants, the Supreme Court at any special term held in the county of Saratoga, or in any adjoining county, may authorize the mortgaging for the sum of twenty-five thousand dollars, or such less sum, as shall be necessary, of that lot of land in the village of Saratoga Springs, New York, known as the Adelphi hotel premises, and bounded on the east by Broadway, in said village; on the south and west by the American hotel premises; on the north by premises lately owned by John L. Perry, deceased, being the same premises conveyed by John L. Perry, deceased, by deed dated December sixth, eighteen hundred and seventy-one, to Joseph A. Shoudy, as trustee, for the benefit of Harriet Perry and certain of her descendants. The said Charles H. Holden having been duly appointed in place and stead of said Joseph A. Shoudy as trustee to carry out the trusts in said deed contained, and now holding the title of said real estate for the benefit of said Harriet and certain of her descendants. The court shall, on such petition, appoint one or more suitable persons as guardian for such of the petitioners as are infants on said proceedings, and take proof in open court, or appoint a referee to take proof and report to the court as to the truth

of the facts set out in the petition, and the amount of money required. If on such proof being made, it shall appear that the facts stated in said petition are true, and that the buildings on above premises are so dilapidated as to require rebuilding or extensive alterations and repairs, and that the true interest of said Harriet and her descendants interested in said property would be promoted by a loan of money secured by a mortgage on said premises to rebuild or to alter and repair said building, said special term of the Supreme Court is hereby authorized and empowered to authorize a loan by said trustee for the sum of twenty-five thousand dollars, or such less sum, as may appear to be necessary, secured by a mortgage on said premises, which mortgage shall be executed by said trustee, or his successor, and the said Harriet and her descendants, now in being, having any interest in said trust property, the infants executing by their guardian.

Trustee
may loan
\$25,000,
etc.

§ 2. Such mortgage, made as aforesaid, shall be a valid mortgage, and shall be binding and effectual as against said Harriet and against all and each of her descendants, whether yet in being or not, to whom or for whose benefit the trust under the deed aforesaid may enure after the death of said Harriet; and on a foreclosure and sale thereof by due proceedings at law, if any such sale should be hereafter made under said mortgage, the title of the purchaser under said sale shall be valid, and free and discharged of all claims of said Harriet and such of her descendants as have or may have any interest in said property under said deed.

Mortgage
for loan
valid.

Foreclos-
ure.

§ 3. The court shall direct the terms and conditions of said mortgage, and in the order authorizing it provide that not less than two thousand dollars shall be paid over and above the interest annually thereon, and that such sum shall be taken by said trustee or his successor each year from the first rents and profits of said premises after paying the taxes and insurance thereon and necessary repairs thereon.

Court to
fix term of
mortgage.

§ 4. The money so loaned and raised on said mortgage may be expended by said trustee, or his successors, to alter, repair or rebuild the buildings on said premises, under the direction of said court.

Expendi-
ture of
loan.

§ 5. No proceedings shall be taken for the foreclosure of said mortgage except upon an order of the Supreme Court, upon notice to the trustee and the parties interested therein then in being.

Proceed-
ings in
foreclos-
ure.

§ 6. This act shall take effect immediately.

Chap. 366.

AN ACT to amend chapter five hundred and eighty-six of the laws of eighteen hundred and seventy-three, entitled "An act to amend the twenty-third section of article first, title four, chapter second, part fourth, of the Revised Statutes, entitled 'Of the return and summoning of grand juries, their powers and duties.'"

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of chapter five hundred and eighty-six of the laws of eighteen hundred and seventy-three, entitled "An act to amend the twenty-third section of article first, title four, chapter

second, part fourth of the Revised Statutes, entitled 'Of the return and summoning of grand jurors,* their powers and duties,' is hereby amended so as to read as follows:

SECTION 1. The twenty-third section of article first, title four, chapter second, part fourth of the Revised Statutes, is hereby amended so as to read as follows:

Drawing
grand
jurors af-
ter first
panel.

§ 23. If at any court of oyer and terminer, or court of sessions, there shall not appear at least sixteen persons duly qualified to serve as grand jurors, who shall have been summoned for that purpose, or if the number of grand jurors attending shall be reduced below sixteen by any of them being discharged or otherwise, such court shall, by an order to be entered in its minutes, require the clerk of the county to draw, and the sheriff to summon such additional number of grand jurors as it shall deem necessary, which number shall be specified in said order. The clerk of the county in which such court is held shall forthwith, in the presence of said court, proceed publicly to draw from the jury box containing the names of all persons in attendance, and not excused, who have been drawn to serve as petit jurors for that term of the court, the names of as many persons as there shall be additional grand jurors required by said order, and when such drawing is completed, the said clerk shall make duplicate lists of the persons so drawn, each of which shall be certified by him to be a correct list of the names of the persons so drawn by him, one of which he shall file in his office, and the other he shall deliver to the sheriff of the county. The sheriff shall thereupon proceed to summon the persons mentioned in such list to appear forthwith in the court in which the order requiring the attendance of such jurors shall have been made, and the persons so drawn and summoned, unless excused, shall be grand jurors of said court for every purpose and in every respect as though they had been drawn and summoned as members of the regular panel of grand jurors for said term, and said court is hereby prohibited from completing said grand jury in any other way than under the provisions of this act. After the discharge of said grand jury by the court, the names of the persons so drawn as aforesaid shall be returned to the jury box from which they were drawn, and said persons shall discharge their duties as petit jurors for the remainder of said court.

Return to
petit jury.

§ 2. This act shall take effect immediately.

Chap. 367.

AN ACT to amend and make additions to chapter four hundred and sixty-three of the laws of eighteen hundred and sixty, entitled "An act to revise the charter of the city of Oswego," and the acts amendatory thereof.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title two of chapter four hundred and sixty-three of the laws of eighteen hundred and sixty, entitled "An act to revise the charter of the city of Oswego," is hereby amended so as to read as follows:

* So in the original.

§ 1. The officers of the city shall be one mayor, one recorder, one treasurer, one clerk, four justices of the peace, four constables, one or more harbor-masters, four fire commissioners, four police commissioners, one attorney and counselor to the common council, four commissioners of public charity, one street commissioner, one surveyor, one chief of police, not less than twelve nor more than sixteen policemen, three health commissioners, one health physician, one or more clerks of the market, so many keepers of almshouses, workhouses, penitentiary, pound-masters, and sextons, or keepers of burial grounds, as the common council shall from time to time direct; so many commissioners of deeds as the common council shall designate, according to law; one collector of taxes and assessments for the first, third, fifth and seventh wards, one collector of taxes and assessments for the second, fourth, sixth and eighth wards, three assessors, and the following officers for each ward: two aldermen, one supervisor, two commissioners of common schools, and three inspectors of election for each election district. But no election or appointment of supervisors shall be made until the annual charter election in eighteen hundred and seventy-seven, unless a vacancy shall occur in the board of supervisors as constituted prior to the passage of this act.

§ 2. Section two of said title is hereby amended so as to read as follows:

§ 2. The mayor, recorder, aldermen, justice of the peace, inspectors of election, supervisor, constables, commissioners of common schools, and collectors of taxes and assessments shall be elected by ballot by the electors of said city, as hereinafter provided. All other officers shall be appointed by the common council by ballot, unless otherwise specially provided.

§ 3. Section three of said title is hereby amended so as to read as follows:

§ 3. No person shall be eligible or appointed to any office in section one of this title mentioned unless he shall be at the time an elector and resident of said city, and no person shall be eligible or be appointed to any office in any ward in section one designated as a ward officer unless he shall be at the time an elector and resident of said ward; and no person shall be eligible or appointed to the office of mayor, alderman, school commissioner, commissioner of public charity, fire commissioner, police commissioner, supervisor, collector of taxes and assessments, or assessor, after the first day of January, eighteen hundred and seventy-seven, unless at the time of his election or appointment he shall be a freeholder in said city, and shall have been assessed on the last preceding city assessment roll to the amount of two hundred and fifty dollars or upwards, nor unless he shall be a resident and elector of the district for which he is elected or appointed. And whenever any officer shall cease to be a resident of the city or of the ward or district for which he is elected or appointed, his office shall thereby become vacant.

§ 4. Section eight of said title is hereby amended so as to read as follows:

§ 8. The clerk of the city shall give notice in writing of such election to the inspectors of elections of the several election districts in said city, at least one week before the day of election; and said inspectors shall proceed as provided by the general laws of this State in relation to elections other than in towns. They shall provide one ballot-box to be marked "city;" all ballots used shall be indorsed "city," and shall contain the votes of the electors depositing them

for all the offices to be filled at the election. The collector of taxes and assessments for the first, third, fifth and seventh wards, shall be elected by the electors of the said wards only; and the collector of taxes and assessments of the second, fourth, sixth and eighth wards, shall be elected by the electors of the said wards only; and the commissioners of common schools, shall be elected at the time provided in the seventh title of this act.

§ 5. Section twenty-two of said title is hereby amended so as to read as follows:

Term of
office.

§ 22. All officers elected or appointed under this act, except recorder, justices, commissioners of common schools, fire commissioners, police commissioners and assessors, shall hold their respective offices until the time appointed for the first meeting of the common council after the annual election in each year, unless sooner removed or disqualified, and until their successor shall qualify. But the common council may at pleasure remove any officer appointed by them.

§ 6. Section twenty-four of said title is hereby amended so as to read as follows:

Assessors.

§ 24. The term of office of the assessors heretofore elected in the city of Oswego, and now holding that office, shall expire on the second Tuesday of March, eighteen hundred and seventy-seven, and the assessors of said city, after that date, shall be three in number, who shall constitute the board of valuation and assessment in said city; all of whom shall be appointed by the common council upon the nomination of the mayor, and one of whom shall be appointed, designated and known as the chairman of said board, and of the other two of whom one shall be known as the assessor of the first, third, fifth and seventh wards, and shall be a resident of one of said wards, and the other shall be known as the assessor of the second, fourth, sixth and eighth wards, and shall be a resident of one of said wards. The persons first so to be appointed shall be appointed on the second Tuesday of March, eighteen hundred and seventy-seven, or as soon thereafter as practicable and shall immediately thereafter qualify and enter upon their office, and shall hold their office as follows: the said chairman three years; the assessor of the first, third, fifth and seventh wards, two years; and the assessor for the second, fourth, sixth and eighth wards, one year. The persons afterward appointed shall hold their office three years and until their successors shall have been appointed and qualified.

Vacancies.

Vacancies by death, resignation, removal or otherwise, shall be filled by appointment by the common council upon the nomination of the mayor, for the remainder of the unexpired term. The chairman of said board

Salary.

shall have a salary of not more than one thousand two hundred dollars nor less than eight hundred dollars per annum, the amount to be fixed by the common council, payable quarterly, and the other members of said board shall have three dollars per day while actually employed.

Powers
and du-
ties.

The said board shall have all the powers and perform all the duties of the present board of assessors of the city of Oswego, except so far as is otherwise provided in this act. The chairman of the said board shall

Office in
City Hall.

keep his office in the city hall (which shall be also the office of the said board), and the same shall be kept open from ten to twelve o'clock A. M. and from two to four o'clock P. M. on all business days, except when the said board shall be engaged in the examination and valuation of the real property of said city. He shall prepare and make all copies of assessment rolls required by law to be made, and all descriptions of real estate contained in said rolls shall be carefully examined by him, and all mistakes therein corrected. He shall, as often as once in each week,

procure from the county clerk's office in said city memoranda of all conveyances recorded or left for record therein, and affecting lands situated in said city; of the parties thereto and of the lands affected thereby, and shall enter the same in a suitable book to be kept by him for that purpose in his office, and which shall be open at all suitable times to public inspection. All assessments for local improvements which may now by law be made by the present board of assessors of said city shall, after the second Tuesday of March, eighteen hundred and seventy-seven, be made by the chairman of the board of assessors, the city clerk and the city surveyor, who shall constitute a board for that purpose, of which the said chairman shall be the chairman, who shall also prepare all copies of the rolls of such local assessments, and all the provisions of law relating to assessments for local improvements applicable to the present board of assessors of said city shall apply to the board hereby constituted, except so far as the same are modified by this act. The members of said board shall receive no additional compensation for the duties imposed upon them by this section. The sums which shall hereafter be raised by the common council for the expense of lighting said city, and for lamp posts, lamps and all other necessary fixtures, and for gas or other burning material, shall be assessed as heretofore upon the real and personal property within the district designated by the common council as the public lamp district, but the same shall be added to the tax levied upon the said property for the general city assessment in each year, and shall be levied and collected at the same time with, and as a part of such general city assessment. No assessment of real estate in said city, which shall be properly described in the assessment rolls of said city, and which shall be assessed but once in said rolls, shall be deemed or held to be invalid by reason of the same not having been assessed to the real owner or occupant thereof, or of any mistake or error in the designation of the owner of said property, or of the same having been erroneously put among the resident or non-resident property of said city; and any tax or assessment levied thereon, and the lien thereof, and all proceedings and sales shall be as valid and effectual thereunder as though the same had been properly assessed, and such errors or mistakes had not been made.

Assessments.

Lighting streets.

Assessments not invalid.

§ 7. Section twenty-eight of said title is hereby amended so as to read as follows:

§ 28. No member of the common council shall be appointed to any office by the common council, nor shall any member of the board of education, common council or any other city officer or member of a board of commissioners be interested in any contract in which the city is a party; neither shall any of the said officers furnish, directly or indirectly, to the city, or for its use in any of the departments, goods, wares, merchandise, teams, labor, materials, or supplies, nor be interested, directly or indirectly, in any bill or claim therefor under the penalty of the forfeiture of his office and the loss of his claim.

Restrictions as to appointments of common council.

§ 8. Section two of title three of said act is hereby amended so as to read as follows:

§ 2. The mayor, when present, shall preside at all the meetings of the common council, and shall have a vote on all questions. No question shall be declared carried against his vote, unless sustained by a majority of all the aldermen elected and qualified to vote. In his absence any one of the aldermen may be appointed chairman for the time. A majority of the whole number of the aldermen authorized to be elected under the city act shall constitute a quorum for the transaction of business; but in case, from any cause, at any time, there shall be in office

Rules governing common council.

a less number of aldermen than shall or may be necessary to make such quorum, then a majority of the aldermen in office acting in council, or the mayor, shall have power to and shall order special elections to fill the vacancies in the office of alderman, to be held in the manner prescribed in this act.

§ 9. Subdivision twenty-nine of section six of title three of said act is hereby amended so as to read as follows:

Licenses.

29. To license and regulate pawnbrokers and butchers' stalls, shops, stands and wagons, and butchers and vendors of fresh fish, and to regulate the sale of butchers' meat and fresh fish.

Fire commissioners.

§ 10. There shall be appointed, in the manner hereinafter provided, four commissioners, to be known as the "fire commissioners of the city of Oswego," who shall hold their office as specified in this act.

Term of office.

§ 11. The said commissioners shall be divided into four classes, consisting of one commissioner each, to hold their offices respectively for one, two, three and four years, the commissioners determining among themselves, by lot, who shall hold office for the term of one year, who for the term of two years, who for the term of three years, who for the term of four years, and the term of office of all the commissioners thereafter appointed shall be four years, and during the time of such service shall be ineligible to, and shall hold no other city or ward office. The term of such commissioners after the first appointment and classification thereof, shall commence on the first day of May, and the term of each classification of the same shall expire on such day of the year for which they are so classified, but such commissioners may continue in office until their successors are duly appointed, and have taken and filed the oath of office.

Fire companies.

§ 12. The board shall organize fire companies and appoint a sufficient number of able-bodied and reputable inhabitants of the city of Oswego firemen, to belong to such companies, and shall pay them a reasonable compensation for their services as such firemen. They shall appoint one of said firemen chief engineer of the fire department, who shall, under the direction of the board, have full control of the department, and the board shall also appoint two of said firemen who shall act as assistants to the chief engineer in the management and control of the fire companies and fire apparatus during the extinguishment of fires. The number of firemen to be appointed and so paid shall not exceed in the aggregate, twelve to each steam fire engine, and twelve to each hook and ladder company. The said board shall pay the chief engineer, his two assistants, the steamer engineers, stokers, drivers and foremen of the companies, such additional compensation as shall be just and reasonable. The board shall have power to remove in their discretion, any of its appointees, provided in this section.

Extra expense of fire department.

§ 13. The board shall, on or before the first day of June in each year, make out an estimated statement of the amount necessary to defray the increased cost of the fire department for the current year over the year eighteen hundred and seventy-five, and present the same to the common council, who shall include the amount thereof in the city tax assessment roll in addition to the sum of twenty thousand dollars authorized by section two, subdivision six, of title five of the charter of said city, known as the contingent fund; but the amount so included shall not exceed five thousand dollars annually.

Appointment of fire commissioners.

§ 14. The mayor of said city shall, within five days after he has received official notice of the passage of this act, nominate to the common council the commissioners referred to in section ten of the same, who shall thereupon, upon his nomination appoint two commissioners

from each of the two principal political parties of the State, two of whom shall reside on the east side of the Oswego river and two on the west side. The mayor of said city shall annually, on the first Monday of April thereafter, or as soon thereafter as practicable, nominate, and the common council appoint, as above provided, one commissioner in place of the commissioner whose term of office will expire, as hereinbefore provided for, and such appointment shall be from the political party to which the said commissioner whose office expired belonged.

§ 15. On or before the first Tuesday of June, eighteen hundred and seventy-six, the four commissioners appointed as provided by this act shall meet at the office of the city clerk in said city, and, after having determined by lot to which of the several classes each of them shall belong, shall organize into a board, to be known and designated as the "board of fire commissioners of the city of Oswego," and who shall exercise the powers and fulfill the duties connected with and incident to the control, government and discipline of the fire department of said city, as herein more especially provided for. The commissioners appointed by virtue of this act shall not, directly or indirectly, be paid or receive any compensation for their services as such. They shall select from their number one, who shall be chairman of the board. They shall employ a clerk, whose duty it shall be to record its proceedings in a book for that purpose, who shall hold office at the pleasure of the board. He shall receive therefor two hundred dollars annually. Any vacancy in the number of said commissioners shall be filled by the mayor and common council of said city, within one week after they shall have received notice thereof from the board, and the person appointed to fill the vacancy shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill. The said commissioners may be removed by the mayor and common council of said city, upon proof, for official or other misconduct, but not otherwise. Such commissioners shall be furnished with a copy of the charges preferred, and an opportunity given for a defense thereof.

Meeting of
commis-
sioners.

Compensation.

Clerk to
commis-
sioners.
Salary.

Vacant
commis-
sioner-
ships.

Removal.

§ 16. The common council of the city of Oswego shall provide suitable rooms in the city hall or other public buildings, of the city, for the meetings of the commissioners. Such meetings shall be held at such times and places as shall be appointed by the chairman of the board, or a majority of the members thereof, and the attendance of three commissioners shall be necessary to constitute a quorum. No meeting of the board shall be held for the appointment or discharge of a fireman without serving a written or printed notice thereof upon each of the commissioners, or leaving it at his place of residence, at least three hours before the time of meeting; and no appointment or discharge of any fireman shall be made except by the affirmative vote of a majority of all the commissioners.

Rooms for
meeting.

Quorum.

Discharge
of firemen.

§ 17. The said board shall, on or before the first Tuesday of April, annually, prepare an estimate of the cost of maintaining the fire department under their direction and control, which estimate shall be furnished to the common council of said city, and a copy thereof delivered to the city treasurer, and the said treasurer shall place the amount of such estimate to the debit of the "contingent fund" of said city, and credit the same on his books to the "fire department fund," which fund shall be applied only to the payment of drafts for orders issued by said board of commissioners. In case the said board shall, at any time, determine that the amount annually so placed to the credit of the fire department fund is more than will be necessary to defray the

Expenses
of depart-
ment.

Transfer
of surplus
money.

expenses of said department for such current year, the said city treasurer may, by direction of said board of commissioners, transfer the excess thereof from the fire department fund to the credit of the contingent fund of said city.

Expenses
how paid.

Board to
sell prop-
erty.

Rules and
regula-
tions.

Board to
control
fire prop-
erty.

§ 18. The expenses of the fire department for apparatus and equipments, together with the cost of maintaining the same, and the salaries of the several officers and members of said fire department, shall be paid by the treasurer of the city of Oswego, on the warrant of the board, signed by its chairman and clerk, and authorized by a vote of a majority of its members. The said board shall have power to sell and dispose of any of the property under their direction and control, except real estate, when in their judgment the interests of the said city will be promoted thereby, and the avails of such sales shall be paid to the city treasurer, and by him placed to the credit of the police and fire department fund thereof.

§ 19. The board shall make such rules and regulations as to it may seem best, for the good government of themselves and of the fire department, provided such rules and regulations shall not conflict with the laws of the State or of the United States.

§ 20. Upon the organization of the board as authorized by this act, all the property and effects owned by the city of Oswego, in the use and occupation, or which may be obtained for such use of the fire department thereof, shall be under the direction, control and management of said commissioners; and also all moneys required by any law of this State to be paid by the agents of insurance companies not incorporated by the laws of this State, for the use and benefit of the fire department of the cities and incorporated villages of the State shall thereafter be paid to the treasurer of the city of Oswego, and shall be credited by him to the fire department fund of said city, and shall be expended by the said board for the use and benefit of the fire department of said city, and for the defraying of the expenses thereof.

§ 21. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 22. This act shall take effect immediately.

Chap. 368.

AN ACT to amend chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," passed May eighth, eighteen hundred and sixty-nine, and also to amend chapter eight hundred and ten of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to incorporate the city of Watertown,' passed May eighth, eighteen hundred and sixty-nine, and to confirm the acts of the common council in reference to local assessments for local improvements," passed May twenty-eighth, eighteen hundred and seventy-one.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section seven of chapter eight hundred and ten of the laws of eighteen hundred and seventy-one, entitled "An act to amend

an act entitled 'An act to incorporate the city of Watertown,' passed May eighth, eighteen hundred and sixty-nine, and to confirm the acts of the common council in reference to local assessments for local improvements," is hereby repealed. Sections repealed.

§ 2. So much of section eight of said act as directs that there shall be added to title seven of the act to incorporate the city of Watertown, passed May eight, eighteen hundred and sixty-nine, sections eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, is hereby repealed, and the said sections eight to twenty-two, both inclusive, are, and each and every of them is hereby repealed.

§ 3. Section one of title five of chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," passed May eight, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

§ 1. The common council may cause to be raised by taxation, upon the taxable property in the city, such sum as in their judgment the wants and welfare of the city may demand in each year: for a fund to be denominated the "highway fund," a sum not exceeding fourteen cents on every one hundred dollars of the valuation of property upon the assessment roll; for a fund to be denominated "the general fund," a sum not exceeding fourteen cents upon every one hundred dollars of the valuation of property on the assessment roll; and for a fund to be denominated "the contingent fund," a sum not exceeding seven cents upon every one hundred dollars of the valuation of property upon the assessment roll; and the common council of the said city are authorized and directed, when necessary, to borrow, in anticipation of the one year's amount or any part thereof, a sum not exceeding the one-half part of the taxes to be raised, levied and collected as aforesaid. Highway fund.
General fund.
Contingent fund.

The question on every motion or resolution before said common council, for the appropriation or expenditure of money, shall be taken by ayes and noes, which shall be entered and preserved in the minutes of said common council. Loans.
Vote on appropriations.

§ 4. Every person hereafter elected to the office of chamberlain of said city, shall enter upon the duties of his office on the first day of April next succeeding his election, and shall hold such office for one year. Town, county and State taxes of the several wards of said city, shall be collected by the chamberlain as follows: As soon as the warrants for the collection of such taxes shall be delivered to him for collection, he shall cause a notice to be published in all the newspapers published in said city for at least one week, stating that such warrants have been received by him, and that for the thirty week days next succeeding the day of the first insertion of such notice, between the hours of nine and twelve in the forenoon, and one and four in the afternoon, any person, company, or corporation or association, may pay his, her, or its tax to such chamberlain at his office, without any additional fees or charge, and that if not paid within such forty * days, such taxes will be levied and collected in the manner provided by law, besides five per cent. fees of collection, and it shall be the duty of the chamberlain to attend at the time and place stated in such notice, and receive such taxes in accordance with the terms of such notice. At the expiration of the time stated in said notice, the chamberlain shall proceed to collect so much of the taxes as remain uncollected, in the manner now provided by law, or such chamberlain may, in his discretion, employ Chamberlain's term of office.
Powers and duties.

* So in the original.

any one or more of the constables of said city (taking from him or them such bond and in such penalty as he may think necessary for his own security), to collect such taxes remaining unpaid, and such constable or constables, when so employed by the chamberlain, shall possess all the powers of collectors of taxes in towns for the purposes of such collection, and shall collect and may retain five per cent. fees of collection, and the said chamberlain may employ such assistants to aid in the collection of taxes as the common council shall direct. The vacancy in the office of chamberlain created by the passage of this act (being from January first, eighteen hundred and seventy-seven, to April first, eighteen hundred and seventy-seven), may be filled by the mayor and common council in the manner other vacancies in office may now be filled in said city. The chamberlain shall enter in the book of records kept by him the certified result of the charter election in the said city each year.

Chief of
police.

§ 5. The mayor of the city of Watertown shall, in writing, each year, designate one of the policemen elected or appointed under the provisions of the charter of said city, as "chief of police," and the one so designated, shall, during the term for which he is elected or appointed, be recognized as chief of police of said city.

Street
commissioner.

§ 6. Hereafter the street commissioner of said city of Watertown shall be appointed by the mayor, with the consent of the common council, in the manner now provided by law for appointments of other officers of said city, and no person shall be appointed to such office unless he be a resident and an elector within said city at the time of his appointment. The street commissioner of said city may be suspended or removed from office for like cause and in like manner as other officers of said city may be under the provisions of its charter. An appointment of street commissioner, whose term shall commence on the first day of January next, and continue for one year, and until his successor shall be appointed and qualify, shall be appointed at the same time when other city officers are appointed.

Mayor to
execute
leases,
etc.

Licenses.

§ 7. Section three of title four of chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," passed May eighth, eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

"§ 3. The mayor, in behalf of and for said city, shall execute all leases, contracts, licenses and other papers, to be executed as the act of the city, when so authorized by the common council, and said common council may authorize an annual license to be given to the proprietor of any hall in which theatrical or minstrel performance, or other shows and exhibitions are had, for all such shows, exhibitions and performances during the year, for a sum and consideration to be therefor paid to the mayor and council."

Election
of assessors.

§ 8. At the charter election in the city of Watertown, to be held in December, eighteen hundred and seventy-six, there shall not be any assessors elected. At the charter election in said city in eighteen hundred and seventy-seven, there shall be elected but one assessor, whose term of office shall be three years, commencing on the first day of January next succeeding such election. At the charter election in said city in the year eighteen hundred and seventy-eight, there shall be elected two assessors, one for the term of one year, and the other for the term of three years, each commencing on the first day of January succeeding such election; and thereafter, there shall be elected annually one assessor for the term of three years, commencing on the first day of January next succeeding such election, and after the year eigh-

teen hundred and seventy-seven, there shall be only three assessors in said city, who shall constitute the board of assessors in and for said city.

§ 9. All acts and parts of acts inconsistent with this act are repealed.

§ 10. This act shall take effect immediately.

Chap. 369.

AN ACT to authorize the city of Watertown to levy a tax and to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Watertown is hereby authorized and empowered to cause the bonds of the city of Watertown to an amount not exceeding, in the whole, the sum of eight thousand dollars, to be issued for the sole purpose of paying, with the same or with the proceeds of the sale of the same, the present indebtedness of said city, exclusive of the bond debt thereof now existing. May issue bonds.

§ 2. Such bonds shall be in such form, and executed in such manner, and payable in such amounts as the common council may direct, and upon annual or semi-annual interest at the rate of not exceeding seven per cent. per annum; provided, however, that they shall not be sold or disposed of by said council for less than their par value; and provided further, that they shall be made payable as follows: Four thousand dollars on the fifteenth day of September, eighteen hundred and eighty-one, and four thousand dollars on the fifteenth day of September, eighteen hundred and eighty-two. The common council of said city shall cause the moneys necessary to pay the principal and interest due upon said bonds yearly, to be levied and collected in the same manner as other city taxes are levied and collected in said city. Term of sales.
When payable.

§ 3. The mayor and common council of the city of Watertown are hereby authorized to cause to be assessed and levied, at the same time and in the same manner that other taxes in the said city are levied, the present year, a sum not exceeding five thousand dollars, sufficient after applying the avails of the bonds authorized by the first section of this act, to pay the indebtedness of the said city mentioned in the said first section. Provisions for payment.

§ 4. This act shall take effect immediately.

Chap. 370.

AN ACT to authorize the city of Elmira to borrow money, and issue the bonds of the city therefor in payment of the floating debt of said city.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Elmira, is hereby authorized and empowered to cause the bonds of the city of Elmira, to

Bonds for \$26,000. an amount not exceeding in the whole the sum of twenty-six thousand dollars, to be issued for the sole purpose of paying with the same, or with the proceeds of the sale thereof, the floating debt of the said city, which has accumulated prior to the first day of March, eighteen hundred and seventy-six.

Term of sales. § 2. Such bonds shall be in such form, and executed in such manner, and payable in such amounts and at such dates, as the said common council may direct, and upon annual, or semi-annual interest, at the rate of seven per cent. per annum; provided, however, that they shall not be sold or disposed of by said council for less than their par value.

§ 3. This act shall take effect immediately.

Chap. 371.

AN ACT to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica."

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," is hereby amended so as to read as follows:

City officers. § 4. The officers of the city shall be denominated city officers and ward officers. The city officers shall be a mayor, a recorder, a treasurer, and four justices of the peace, who shall be elected by ballot by the electors of the city; and a clerk, a city surveyor, a street commissioner, and a corporation counsel, who shall be appointed by the common council; and such other officers as the common council may appoint under the provisions of this act. The ward officers shall be in each ward, a supervisor, one alderman, one assessor, one collector, one constable, and so many inspectors of election as shall be required by the law relative to elections. The ward officers shall be elected by ballot by the electors of the respective wards.

§ 2. Section six of said act is hereby amended so as to read as follows:

Elections. § 6. An election for officers of the city, except the recorder, to be called the city election, shall be held annually on the first Tuesday in March, at such places as the common council shall from time to time appoint. Such election, and all special elections held under the provisions of this act, shall be conducted in all respects in the manner general elections in cities are by law required to be conducted, and all the provisions of law relative to such elections shall be applicable to the city elections, except that the polls shall be opened at seven o'clock in the forenoon and be closed at five o'clock in the afternoon. The recorder shall be elected at the time and in the manner provided by the "act to provide for the election of recorders in cities," passed June eighteenth, eighteen hundred and fifty-one. In fixing the places for holding the polls of election the common council shall, in wards where there are suitable buildings owned or occupied by the city other than school buildings, designate one of said buildings in the wards where located.

§ 3. Section twelve of said act is hereby amended so as to read as follows:

§ 12. The treasurer, corporation counsel, clerk, street commissioner, city surveyor, policemen and collectors, shall severally, before they enter upon the duties of their offices, file with the clerk, a bond to the city of Utica, in such penalty and with such sureties as the common council shall direct, the sureties to be approved by the common council, conditioned that they shall faithfully perform the duties of their respective offices, and account for and pay over all moneys to be received by them by virtue thereof. The common council may, at any time, by ordinance or resolution, require any other officers or servants of the corporation to file such bond. Bonds of officers.

§ 4. Section seventeen of said act is hereby amended so as to read as follows:

§ 17. The mayor shall be the presiding officer of the common council, but shall have no vote therein, except in a case of a tie vote. It shall be his duty to see that the laws of the State and the ordinances of the city are faithfully executed therein, and to recommend to the common council such measures as he may deem necessary or expedient for the welfare of the city. He shall possess the same powers and authority in criminal cases with which justices of the peace in towns are invested, and in case of the recorder's absence from the city, or his illness, or his incapacity from any cause to act, shall possess the powers of said recorder, and may perform the duties of his office. In addition to the powers now vested in him by law, he shall have power to administer any oath or affirmation required or authorized by law, and may take affidavits in all cases where justices of the peace are required or authorized to take the same, and with like force and effect. The mayor.

§ 5. Section nineteen of said act is hereby amended so as to read as follows:

§ 19. The treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures, so as to exhibit the amount paid under each particular class of purposes for which moneys shall be raised. He shall deposit and keep all moneys belonging to the city, or that shall come to his hands, in such one of the banks in said city as will pay the highest rate of interest, not exceeding seven per cent. for such deposits, for the use of the city, and will give security for the payment of such deposits, to be approved by the common council, and will also agree to loan to the city all such sums as the common council may be authorized to borrow. The treasurer shall deposit in said bank all moneys received by him, within forty-eight hours after their receipt, and for a failure or neglect to comply with this provision, shall be liable to removal from office and be deemed guilty of a misdemeanor. All moneys shall be drawn from him in pursuance of a resolution of the common council, by warrants specifying for what purpose they are drawn, signed by the clerk and countersigned by the mayor. He shall, fifteen days before the annual election in each year, present to the common council and file with the clerk an account of all his receipts and disbursements since the date of the last report, and a statement of the financial condition of the city, a synopsis of which shall be published in the official newspapers at least ten days before such election. He shall perform such other duties as this act may require, and such as the common council may prescribe. Treasurer.

§ 6. Section twenty-two of said act is hereby amended so as to read as follows:

Justices of
the peace.

§ 22. The justices of the peace of said city shall possess the same jurisdiction in civil cases which is vested in justices of the peace in towns, In absence of the recorder from the city, or in case of a vacancy in the office, or his inability to perform the duties of his office, and in the event of the mayor not holding his court, they may exercise jurisdiction in criminal cases, but not otherwise. They shall possess the same powers which are possessed by commissioners of deeds in other cities. When so acting in criminal cases, they shall not be entitled to fees, but shall be allowed such sum per day as shall be fixed by the board of town auditors, not exceeding, in the aggregate, the rate per day paid the recorder.

§ 7. Section twenty of said act is hereby amended so as to read as follows:

Corpora-
tion coun-
sel.

§ 20. The corporation counsel shall have the management and charge of all the law business of the corporation, in which the city is interested, unless the common council otherwise direct. He shall keep a record of all suits and proceedings which, as such counsel, he shall have in charge. In case of his sickness or absence, he shall have power to authorize any attorney to appear for and on behalf of the city, in any suit or proceeding, but the services of the person so authorized shall not be a charge against the city. He shall, when required by the common council, prepare all legal papers for the city, and shall, when so required, be the legal adviser of the common council, and of the several departments of the corporation. He shall, when desired by the common council, see that all proceedings in relation to improvements and the opening of streets are regularly conducted, and he shall perform such other duties as are required of him by this act, and such as the council may prescribe. But this section shall not be construed to substitute the corporation counsel as attorney in any action or proceeding, the prosecution or defense of which was commenced by a predecessor.

§ 8. Section twenty-nine of said act is hereby amended so as to read as follows:

Alder-
men.

§ 29. The aldermen of the city shall be members of the common council. Every member of the common council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any persons engaged, in his presence, in disturbing the public peace, or violating any law of the State or ordinance of the city for the preservation thereof, or of good order or morality, and to bring or cause such persons to be brought before the mayor, recorder or a justice of the peace for trial. No member of said common council hereafter to be elected shall be eligible to, nor shall he hold, any other city or ward office, or any other office under, or from, or connected with the city government. The aldermen in office at the time of the passage of this act shall continue in office until the expiration of the term for which they were severally elected, and no election for aldermen shall be held in said city until the charter election to take place in March, one thousand eight hundred and seventy-eight, at which time an alderman, to hold office for two years, shall be chosen from each of the wards having an odd number, and an alderman, to hold office for one year, from each ward having an even number, and thereafter aldermen shall be elected for two years, as the terms expire of those elected for their respective wards.

§ 9. Section thirty-four of said act is hereby amended so as to read as follows:

§ 34. The common council shall appoint the clerk, a corporation counsel, the city surveyor, the street commissioner, and so many fence viewers, clerks of markets, sextons to have charge of the burial grounds belonging to the city, and messengers to attend upon its meetings, as it may deem necessary. Such officers shall hold their offices during the pleasure of the common council, except that the clerk shall hold his office during three years from the time of his appointment. Other officers.

§ 10. Section thirty-six of said act is hereby amended by adding thereto subdivision sixth, as follows:

Sixth. To have and exercise full and complete supervision and control over all slaughter-houses within said city, and to prevent the erection, maintenance or operation of any slaughter-house within the city limits elsewhere than the banks of the Mohawk river westerly of Schuyler street and easterly of Park avenue. The said common council is hereby authorized and empowered to require the removal of all slaughter-houses from the city limits, as aforesaid, by the owner or occupant thereof, and in case such owner or occupant will not proceed, as required, to remove the same, then to cause the same to be removed at the expense of such owner or occupant, and to sue for and recover the expense thereof in a civil action in the recorder's court of said city. Slaughter houses.

§ 11. Section forty-five of said act is hereby amended so as to read as follows:

§ 45. The common council shall pay to the mayor an annual salary Salaries. not exceeding five hundred dollars; and to the treasurer an annual salary not exceeding six hundred dollars, whose salary shall be in lieu of all commissions or other compensation whatever, and to the corporation council an annual salary not exceeding one thousand dollars, which shall be in lieu of all fees, commissions or compensation whatever, which salaries shall be paid quarterly. And all costs and fees recovered, wherein the city is a party, shall be paid to the city treasurer within five days after the receipt thereof. The several officers appointed by the common council under the provisions of this act, whose compensation is not otherwise provided for, shall be allowed and paid for their respective services such compensation as the common council shall deem reasonable; and the inspectors and poll clerks of all elections held in any ward in the city shall be allowed and paid the same compensation that is allowed by law to like officers in towns for their services at general elections.

§ 12. Section forty-seven of said act is hereby amended so as to read as follows:

§ 47. The common council shall have power in each year to raise by tax, in addition to the sum authorized to be raised by chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, forty thousand dollars, exclusive of the expense of its collection, and of the poll tax hereinafter authorized, to provide for the following purposes: \$40,000 additional annual tax.

1. Defraying the expenses of the police department.
2. Making and repairing bridges.
3. Providing necessary apparatus and means for the prevention and extinguishment of fires.
4. Defraying the contingent expenses of the city.
5. Defraying the expenses of public improvements proper to be done by the city.

The common council shall also have power to raise, by tax upon real and personal property liable to taxation, such sum as shall be determined by the common council to be necessary to defray the expense of Lighting streets.

lighting the streets of the city; which sum so assessed shall be in addition to the tax in this section above provided for, and shall be collected therewith; and all moneys raised for this purpose shall be kept by the treasurer as a separate fund and shall be drawn from the treasury only by orders specifying that the same were drawn to meet the expenditure for which they were raised. The common council shall also have power to raise by tax upon the real and personal property in the city, liable to taxation, such sum as shall be determined by the common council to be necessary to defray the expense of improving, keeping and maintaining in good condition, the public parks of the city, including the salary of the superintendent thereof, which sum so raised shall be in addition to the taxes in this section above provided for, and shall be collected therewith, and all moneys raised for this purpose shall be kept by the treasurer as a separate fund, and shall be drawn from the treasury only by orders specifying that the same are drawn for the purpose for which they are raised. The moneys raised pursuant to this section shall be disbursed by the treasurer on the warrant of the city issued by the common council, signed by the city clerk and countersigned by the mayor, and not otherwise.

Public
parks.

Disburse-
ment of
moneys.

§ 13. Section forty-eight of said act is hereby amended so as to read as follows:

Poll tax.

§ 48. In raising the tax provided in the preceding section of this title, the common council shall first cause a roll of all persons in each ward who would be liable to be assessed for work on highways if the city were a town, except such persons as are assessed upon some of the assessment rolls of the city as the owners of real or personal estate, to be made by the assessors, and shall then impose upon each of such persons a tax of not less than sixty-two and a half cents, nor more than two dollars and fifty cents, as a poll tax for the making and repairing of streets, highways and bridges, and which shall be in addition to the tax provided in such section. The common council shall then cause copies to be made of the last assessment rolls made by the assessors for each of the wards in the city, with columns prepared for the insertion of the poll tax and for taxes upon real and personal estate; they shall then cause to be inserted in the copies for each ward respectively, the poll tax to be imposed upon the persons resident in such ward; they shall then impose upon the persons and property assessed in the assessment rolls of all the wards of the city, the amount of tax to be raised under the provisions of said section, and also the amount of any other tax, or tax for extraordinary purposes, which may be required or authorized by law. The amount to be paid by each person and each property shall be entered in appropriate columns, and when the taxes shall have been entered therein, and properly corrected, the rolls shall be signed by the mayor and clerk, and the assessment rolls for each ward shall be immediately deposited with the clerk and the copies delivered to the treasurer. They shall thereafter be called the tax lists. Should it be discovered that the proceedings in ordering any improvement, previous to letting the same by contract, or in making any assessment thereafter, have been so irregular as to render the same illegal, the common council may annul such irregularity and all proceedings subsequent thereto, and may begin the proceedings anew from the point where such irregularity occurred. When any lands are imperfectly designated or described in any tax or assessment roll, as to ownership or otherwise, the common council may direct the assessors to correct the description at any time previous to advertisement for sale for non-payment of tax or assessments, and a notice of such cor-

Irregular
proceed-
ings.

rection shall be served upon the owners of such lands or their agents if known, by the city clerk or person authorized by him, and the property shall then be advertised and sold as described in such corrected description.

§ 14. Section fifty-four of said act is hereby amended so as to read as follows:

§ 54. Upon the return of any unpaid taxes or assessments to the treasurer, or at such time thereafter as the common council shall determine, the common council shall cause a copy of so much of the tax lists as contain them to be published in the official newspapers, one time, with a notice that if the same are not paid to the treasurer within eight weeks, the lands, if any, upon which or in respect to which they are imposed, will be sold at a time and place therein specified, at public auction, to the person who shall take the same for the shortest period and pay the taxes, with the expense incurred thereon, and of the sale. The treasurer shall, within five days, prepare a copy of said notice, signed by him and directed to each delinquent named in said list, severally, and shall serve the same or place the same in the hands of the chief of police, or his assistant, who shall forthwith serve, or cause the same to be served, by a competent policeman, upon each of said delinquents; first, personally if he or she or his or her agent can be found in the city; second, by leaving the same with some person of suitable age at his or her residence if known. The person making such service shall, within one week, certify to the treasurer the names of the persons so served, and the manner of service, and shall at the same time return to him the notices not so served. The treasurer shall thereupon cause a list of the persons not so served, and the description of their property as originally published, together with the notice of sale aforesaid, to be continued in the official newspapers once in each alternate week until the time appointed for the sale, such publication to be good service if personal service is not made as aforesaid. At the time and place specified, or at the time and place to which the sale may be postponed, the treasurer shall sell the same at public auction to the person or corporation who will take the same for the shortest period and pay the tax, percentage and expense incurred thereon; but no real estate shall, for any city tax or assessment, be sold for a period exceeding fifty years, exclusive of the time allowed for redemption. Each parcel of real estate shall be sold separately.

§ 15. Subdivision third of section seventy-nine of said act is hereby amended so as to read as follows:

Third—To require, direct and regulate the planting, rearing, trimming and preserving of ornamental trees, in the streets and public grounds of the city. Preservation of trees.

§ 16. Section eighty-eight of said act is hereby amended so as to read as follows:

§ 88. The common council shall cause to be published for at least four days in the official papers, a notice specifying and briefly describing the land necessary for such public improvement, and the portion of the city deemed to be benefited by the making thereof, and stating that an application will be made to the Supreme Court, the county court of the county of Oneida, or the recorder's court of the city of Utica, which courts shall always be deemed to be open for that purpose, at a time and place in said notice to be specified, for the appointment of commissioners to ascertain and determine what damages and compensation the owner or owners or occupants of such land to be taken will be entitled to, for the same, and to apportion and assess the damages and expenses Taking of lands for public uses.

attending such improvement upon the real estate benefited thereby. The common council shall, also, at least five days before the time named for such application, cause a copy of said notice to be served upon each of the owners and occupants of the premises to be taken. Such notice shall be served personally upon persons residing in the city, or by leaving the same at their places of abode, with some person of suitable age and discretion. Upon non-residents it may be served personally, or upon their agent residing in the city, if there be one, or by mailing it, addressed to them at their reputed places of abode. In case the owners are unknown, or after due diligence, cannot be found, or their places of abode cannot be ascertained, the publication of the notice in the official newspapers shall be equivalent to personal service.

§ 17. Section ninety-nine of said act is hereby amended so as to read as follows:

Streets,
etc., grad-
ing of.

Plan to be
filed.

Proposals
for work.

Consider-
ation of
proposals.

Accept-
ance.

§ 99. The common council shall have power to cause any street, highway, lane or alley in said city, to be graded, leveled, paved or repaved, and to cause such crosswalks, sidewalks, drains and sewers to be made therein as it shall deem necessary, and the same to be repaired, amended or relaid, as it shall deem necessary. Prior to the passage of any ordinance for such purpose, it shall cause a plan and accurate specification of the work proposed to be constructed to be prepared and filed with the city clerk. It shall then cause to be published in the official newspapers, for three alternate days, a notice of the filing of said plans and specifications, and that on a certain day, at least six days from the first publication thereof, the common council will act in relation to its construction, and in the meantime sealed proposals for constructing the work, with bonds for the faithful performance thereof, will be received by the mayor. Upon the day mentioned in the notice, the mayor shall, in the presence of the common council, open the sealed proposals for constructing the work. In case the whole expense of any improvement under this section, in the opinion of the common council, will not exceed the sum of thirty dollars, no specification or notice need be published, except the publication in the official proceedings of the action of the common council in relation thereto, at least eight days before final action shall be taken thereon. No proposal shall be considered, which shall not be accompanied by a bond with sureties, and in a penalty, both to be approved by the common council, conditioned that if the proposals be accepted, the person proposing will construct the work at the price and upon the terms proposed, according to the plans and specifications filed with the city clerk, and subject to the supervision and approval of such person as the common council may designate for the purpose, and that the person making the proposal will erect and maintain suitable guards and lights to prevent injuries to such work, or to persons or property, by or in consequence of the prudent and careful use of such street, highway, lane, alley, side or crosswalk, during the progress of such work, and will save the city harmless and indemnified against all loss, damage or expense that may arise by or through any neglect of such person or those in his employ, to erect or maintain such guards and lights, or either of them, and if, from any cause, said proposals are not opened, or if opened, and no action taken on the same at the time designated, it shall be lawful for the common council to open and to act thereon at any regular meeting thereafter. The common council shall then determine whose is the most favorable proposal. It may then, by a vote of a majority of all its members, authorize and direct the construction of the proposed work, accept the most favorable proposal, and direct the expense thereof to be assessed

in the manner hereinafter stated, unless, at the next meeting of the common council, one or more of the persons liable to be assessed for said work, shall propose (and tender bonds therefor as aforesaid) to do the work at an expense at least fifteen per cent. less than the proposal deemed the most favorable, in which case the work shall be let to the person or persons last proposing; provided, however, that all of said propositions are not deemed unreasonable.

1. In case the work shall be the grading, leveling or paving a street, lane or alley, whether with or without crosswalks, cellar drains or sewers, at one operation, or the grading, leveling or paving a street, lane or alley, the city surveyor shall ascertain the aggregate front length of lots upon both sides thereof, and the front length of each lot or parcel, with a correct description thereof, and the name of the owner, so far as it can be ascertained. The common council shall then determine the expense of the whole work, including the expenses of surveying, advertising and preparing the assessment lists, and cause the average expense upon each foot front of the lots or parcels of land on both sides of the said street, lane or alley, excluding cross streets from the computation, to be ascertained, and each lot or parcel of real estate to be assessed with its portion of the expense, by multiplying its number of feet front into the average expense per foot. Assessments for grading streets, etc.

2. In case the work shall be the constructing of any crosswalk in a street, or any drain or sewer separate from any other work, if the expense thereof shall not exceed one hundred dollars, such expense, together with surveyor's fees, expense of advertising, and two dollars for the expense of such assessment, shall be assessed by the street commissioner and city surveyor, without notice, upon the real estate which they shall deem benefited thereby, as near as may be in proportion to the amount of its benefits. The fees of such officers for making such assessment shall be one dollar each. If the expense thereof shall exceed one hundred dollars, the common council shall appoint three disinterested freeholders of the city to assess the expense of its construction, including expenses of surveying, advertising, and fees of the freeholders, which shall in no case exceed the sum of one dollar and fifty cents each per day, upon such real estate as they shall deem benefited thereby, in proportion to the amount of its benefits. If the sewer or drain is the continuation or extension of one previously existing, the said officers or freeholders, in making their assessments, shall take into consideration such sums as have heretofore been assessed upon the real estate benefited, in order, so far as practicable, to render the assessment equal upon each lot or parcel, considering the whole drain or sewer, as continued or extended, a single work. Crosswalks, drains, sewers, etc.

3. In case the work shall be the constructing of a sidewalk, each lot or parcel of land fronting thereon shall be assessed with the expense of its construction, in front thereof, by the city surveyor and common council, in the manner provided in subdivision one of this section. Side-walks.

4. In case the work shall be the repairing of any street, lane or highway, whether paved or unpaved, or of any sidewalk, such repairs shall be made by the owners of the property fronting thereon, in accordance with such rules, regulations or ordinances as the common council shall, from time to time, prescribe. The common council shall have authority to require that all buildings or vacant lots shall, at the expense of the owners thereof, be properly connected with the public sewers, gas and water-pipes in the streets in front thereof; and whenever the owners of said property shall fail to comply with regulations or ordinances of the common council passed pursuant to the authority Repairing streets.

hereby conferred, the common council shall cause the same to be done, and collect the expense thereof from said property or the owners thereof. Whenever the owner or occupant of property fronting on any street, lane or highway, shall fail to keep or put the same in proper repair, in accordance with the rules, regulations or ordinances prescribed by the common council, the street commissioner shall repair the same, and the expense of such repair shall be a lien upon said property, and must be levied, assessed and collected as other assessments for local improvements are levied, assessed and collected, except that the expense of repaving between and on the outer sides of street railroad tracks, may be collected from said railroad company, or companies, as hereinafter provided. When the common council shall have determined to pave or repave any street, it shall give public notice in the official newspaper that on some specified day, not less than two weeks nor more than three weeks after the first day of such publication, it will determine the kind of pavement to be laid. If on or before that day the persons liable to be assessed for two-thirds of the frontage on the street, or portion thereof to be paved or repaved, shall in writing filed in the city clerk's office, express their choice of any particular kind of pavement to be laid, the common council shall have no power to order a different kind of pavement.

Kind of
pavement.

Owners
may se-
lect.

Levy for
expenses.

Macadam-
izing
streets.

5. In cases where the common council shall direct the repaving of any street, the expense thereof must be assessed, levied and collected as provided in subdivision one of this section.

6. The common council shall have power to direct the macadamizing or telfordizing of any street, lane, highway or alley in said city, or to cause the pavement in any paved street, lane, highway or alley to be repaired by filling, or otherwise improving with broken stone or other materials. The expense thereof must be levied and collected as provided in subdivision one of this section.

§ 18. Section one hundred and eight of said act is hereby amended so as to read as follows:

Repair of
drains.

§ 108. The common council may direct the repair of any drain, sidewalk, crosswalk, or sewer, where it shall be necessary, and when, in its opinion, its repair cannot be judiciously let upon contract, and when the same shall be completed, cause the expense thereof to be assessed and collected in the same manner that the expense of constructing a drain, sidewalk, or sewer is assessed and collected.

§ 19. Section one hundred and sixteen of said act is hereby amended so as to read as follows:

Restric-
tions on
building.

§ 116. The common council shall have the power by ordinances to prescribe limits within which no building shall hereafter be constructed except of brick, stone, or iron, with slate or metallic roofs, and to impose a penalty for the violation of such ordinances of one hundred dollars for each offense, and twenty-five dollars for each week's continuance of the prohibited building. Such penalties shall be collectible of the person offending, in a civil action in any court of competent jurisdiction.

§ 20. Subdivisions twenty-five and twenty-six of section thirty-five, are hereby repealed.

§ 21. Sections one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, of said act are hereby repealed.

Discharge
offiremen.

§ 22. The common council is hereby authorized to grant honorable discharges with certificates of exemption, to such of the volunteer firemen who have served three years or upward, less than five years, who were in active service at the time of the establishment of the paid fire

department, and who were thereby prevented from serving the remainder of the term of five years. Every person receiving a certificate under the provisions of this section shall be entitled to all the privileges and benefits to which he would have been entitled had the full term of five years been served, and a certificate obtained in accordance with the requirements of the city charter.

§ 23. It shall in all cases be the duty of the owner of any lot or piece of land in said city to keep the sidewalks adjoining his lot or piece of land in good repair, and also the duty of every owner or occupant to remove and clean away snow and ice or other obstruction from such sidewalks, and to keep half the street or alley adjoining the same free from obstruction or obstacle. In addition to the provisions hereinafter contained, the common council may enforce the foregoing by such rules, regulations and ordinances as it shall from time to time prescribe. The city of Utica shall not be liable for any injury caused from such sidewalks being out of repair, or unlawfully obstructed or dangerous from snow or ice, unless actual notice of the unsafe or dangerous condition thereof has, prior to said injury, been given to the street commissioner or common council. The street commissioner shall have the power to repair any sidewalk when the owner of the property shall neglect to repair the same for five days after written notice so to do has been served on him personally, or at his residence, if his residence be known and he live in the city, or otherwise, by being left on the premises. The street commissioner shall also have power to clean any sidewalk from snow, ice or other obstructions, where the same shall have remained for twenty-four hours. The street commissioner shall have the power to collect the expense of any such work or repair from the owner of the property, and he shall send such owner, if his address be known, a bill of the amount thereof. The expenses of such cleaning may be collected from either the owner or occupant of the property in like manner. If such expense is not paid the street commissioner shall file his affidavit showing in detail the actual cost thereof, and the property in front of which the work, repairing or cleaning was done, with the city clerk; and he shall add the amount thereof, with interest at fifteen per cent. from the time such affidavit was filed, to the amount assessed against such land for the next general city tax, and the whole amount of such assessment shall be collected as is provided in reference to general city taxes. All claims for damages for injuries to the person claimed to have been caused or sustained by defects, want of repair, or obstructions from snow, ice or other causes, in the streets, sidewalks or cross-walks of the city, or because of negligence of the city as to the streets, cross-walks or sidewalks of the city, shall be presented to the common council, in writing, within three months after said injury is received. Such writing shall describe the time, place, cause and extent of the injury so far as then practicable. The omission to present said claim as aforesaid within said three months shall be a bar to any claim or action therefor against the city.

Repair of
sidewalks.

Injuries
from de-
fective
sidewalks,
etc.

Street
commis-
sioner
may re-
pair.

Removal
of obstruc-
tions.

Collection
of ex-
pense.

Damage
for inju-
ries by de-
fective
walks.

§ 24. Whenever the number of voters in any ward of said city shall exceed eight hundred, the common council shall divide said ward into two or more election districts, to contain as near as may be an equal number of voters.

Division
of wards.

§ 25. Nothing in this act shall be construed as removing from office the city attorney in office at the time of the passage of this act.

City attor-
ney.

Chap. 372.

AN ACT to amend chapter four hundred and twenty-one of the laws of eighteen hundred and seventy-four, entitled "An act to secure to children the benefits of an elementary education."

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and twenty-one of the laws of eighteen hundred and seventy-four, entitled "An act to secure to children the benefits of an elementary education," is hereby amended so as to read as follows:

Employment of children under 14 years prohibited.

§ 2. No child under the age of fourteen years shall be employed by any person to labor in any business whatever during the school hours of any school day of the school term of the public school in the school district or the city where such child is, unless such child shall have attended some public or private day school where instruction was given by a teacher qualified to instruct in spelling, reading, writing, geography, English grammar and arithmetic, or shall have been regularly instructed at home in said branches by some person qualified to instruct in the same, at least fourteen weeks of the fifty-two weeks next preceding any and every year in which such child shall be employed, and shall, at the time of such employment, deliver to the employer a certificate in writing, signed by the teacher or a school trustee of the district or of a school, and countersigned by such officer as the board of education or public instruction, by whatever name it may be known in any city, incorporated village or town, shall designate, certifying to such attendance or instruction; and any person who shall employ any child contrary to the provisions of this section, shall, for each offense, forfeit and pay a penalty of fifty dollars to the treasurer or chief fiscal officer of the city, or supervisor of the town, in which such offense shall occur; the said sum or penalty, when so paid, to be added to the public school money of the school district in which the offense occurred.

Penalty.

§ 2. Section three of said act is hereby amended so as to read as follows:

Trustees of school districts to examine for and report violations of act.

§ 3. It shall be the duty of the trustee or trustees of every school district, or public school, or union school, or of officers appointed for that purpose by the board of education or public instruction, by whatever name it may be known, in every town and city, in the months of September and of February of each year, and at such other times as may be deemed necessary, to examine into the situation of the children employed in all manufacturing and other establishments in such school district where children are employed; and in case any town or city is not divided into school districts, it shall for the purposes of the examination provided for in this section, be divided by the school authorities thereof into districts, and the said trustees or other officers as aforesaid notified of their respective districts on or before the first day of January of each year; and the said trustee or trustees, or other officers as aforesaid, shall ascertain whether all the provisions of this act are duly observed, and report all violations thereof to the treasurer or chief fiscal officer of said city, or supervisor of said town. On such examination, the proprietor, superintendent or manager of said establish-

ment shall, on demand, exhibit to said examining trustee, or other officers as aforesaid, a correct list of all children between the ages of eight and fourteen years employed in said establishment, with the said certificates of attendance on school or of instruction. List of children employed.

§ 3. Section five of said act is hereby amended so as to read as follows:

§ 5. The trustee or trustees of any school district or public school, or the president of any union school, or such officer as the board of education of said city, incorporated village or town may designate, is hereby authorized and empowered to see that sections one, two, three, four and five of this act are enforced, and to report in writing all violations thereof to the treasurer or chief fiscal officer of his city, or to the supervisor of his town; any person who shall violate any provision of sections one, three and four of this act shall, on written notice of such violation from one of the school officers above named, forfeit, for the first offense, and pay to the treasurer or chief fiscal officer of the city, or to the supervisor of the town in which he resides, or such offense has occurred, the sum of one dollar, and, after such first offense, shall, for each succeeding offense in the same year, forfeit and pay to the treasurer of said city or supervisor of said town, the sum of five dollars for each and every week, not exceeding thirteen weeks in any one year, during which he, after written notice from said school officer, shall have failed to comply with any of said provisions; the said penalties, when paid, to be added to the public school money of said school district in which the offense occurred. Trustees to enforce act. Penalties for violations. Their application.

§ 4. Section seven of said act is hereby amended so as to read as follows:

§ 7. In case any person having the control of any child, between the ages of eight and fourteen years, is unable to induce said child to attend school for the said fourteen weeks in each year, and shall so state in writing to said trustee, or said other officers appointed by the board of education or public instruction by whatever name it may be known, the said child shall, from and after the date and delivery to said trustee, or other officer as aforesaid, of said statement in writing, be deemed and dealt with as an habitual truant, and said person shall be relieved of all penalties incurred for said year after said date, under sections one, four and five of this act, as to such child. Truant children.

§ 5. Section eight of said act is hereby amended so as to read as follows:

§ 8. The board of education or public instruction, by whatever name it may be called, in such city and incorporated village, and the trustees of the school districts and union school in each town, by an affirmative vote of a majority of said trustees, at a meeting or meetings to be called for this purpose, on ten days' notice in writing to each trustee, said notice to be given by the town clerk, are for each of their respective cities and towns hereby authorized and empowered and directed, on or before the first day of January, eighteen hundred and seventy-seven, to make all needful provisions, arrangements, rules and regulations, concerning habitual truants and children between said ages of eight and fourteen years of age, who may be found wandering about the streets or public places of such city or town during the school hours of the school day of the term of the public school of said city or town, having no lawful occupation or business, and growing up in ignorance; and said provisions, arrangements, rules and regulations shall be such as shall, in their judgment, be most conducive to the welfare of such children, and to the good order of such Rules concerning truants.

Approval
of by a
Justice of
Supreme
Court.

Copy on
school-
house.

Amend-
ments.

city or town; and shall provide suitable places for the discipline and instruction and confinement, when necessary, of such children, and may require the aid of the police of cities, or incorporated villages, and constables of towns, to enforce their said rules and regulations, provided however, that such provisions, arrangements, rules and regulations shall not go into effect, as laws for said several cities and towns, until they shall have been approved, in writing, by a justice of the Supreme Court for the judicial district in which said city, incorporated village or town is situated; and, when so approved, he shall file the same with the clerk of the said city, incorporated village or town, who shall print the same, and furnish ten copies thereof to each trustee of each school district, or public or union school of said city, incorporated village or town. The said trustee shall keep one copy thereof posted in a conspicuous place in or upon each school-house in his charge during the school terms each year. In like manner the same in each city, incorporated village or town may be amended or revised, within six months after the passage of this act, and thereafter annually as the trustee or trustees of any school district or public school, or the president of any union school, or the board of education or public instruction, or by whatever name it may be known, in any city, incorporated village or town, may determine.

§ 6. This act shall take effect immediately.

Chap. 373.

AN ACT to provide for the formation of road districts in certain cases within the corporate jurisdiction of plank and turnpike road companies, and for the maintenance and improvement of roads therein.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Formation
of new
road dis-
tricts.

SECTION 1. Whenever the owners of real estate lying along the line of any plank or turnpike road, representing two-thirds of the frontage on such road, for a distance of not less than one mile continuously, and not included within the limits of any incorporated city or village, shall apply in writing to the county court of the county in which such road shall be situated, and shall present to such court the assent, in writing, to such application of the directors of such plank or turnpike road company, and of the supervisor and commissioners of highways of town or towns in which such road is situated, the said court, at any regular session thereof, may constitute that portion of such road described in the said application a separate road district, to be exempt from the jurisdiction of the commissioner of highways of the town or towns in which such district shall be situated.

Commis-
sioners to
be ap-
pointed.

Oath of
office, etc.

§ 2. Whenever a road district shall be constituted as provided in the preceding section, the said court shall appoint, under its seal, three commissioners, whose duties shall be as herein prescribed. Before entering upon the duties of their office, the commissioners shall take and file in the office of the clerk of the town in which they shall reside, the Constitutional oath of office, and shall execute to the supervisor of the town a bond for such amount as the supervisor shall prescribe, with

sufficient sureties, to be approved by him, and conditioned for the faithful performance of their duties.

§ 3. The commissioners, immediately upon being so qualified, shall call a meeting of the owners of the real estate fronting on such road, of which meeting at least six days' personal notice shall be given to each resident owner, and a similar notice in writing mailed to each non-resident owner at his usual post-office, at which meeting, when held, it shall be lawful, by the vote of a majority of the real estate owners thus notified and attending, to direct the grading, macadamizing or otherwise improving of such road, and the raising by tax on the property fronting on such road, and on the personal property in the district liable to taxation for highway purposes, the sums necessary to be expended for the same.

Meeting
of owners.

Majority
to direct
grading,
etc.

§ 4. The taxes authorized to be raised by the last preceding section shall be levied by the commissioners on the property liable for the same, on the basis of the assessment made in the last annual assessment roll of the town. In cases where the property to be assessed shall front in part on such plank road and in part on some other road, the commissioners shall determine what portion of such property shall be included within their road district. And in case they shall be unable to agree upon the ratable valuation of the part so included, or the person owning or representing such property shall be aggrieved by the assessment thereon, appeal may be had on ten days' notice in writing by the contesting party, to the opposite party, to the assessors of the town, whose decision in the case when duly certified and filed in the office of the town clerk, shall be final. The tax-list shall also include the names of all persons liable to poll tax in the district, and the tax chargeable by law to such persons, and the list, when completed, shall be verified by the oath of the commissioners, and one copy shall be filed in the office of the clerk of the town, and a second copy delivered to the supervisor, who shall present the same to the board of supervisors of the county at their next annual session, and the said board shall cause such tax to be levied and collected in the same manner as other taxes are levied and collected by their authority. The tax for such road district shall be stated in the town roll in a separate item from other taxes. The proceeds of such tax, when collected, shall be paid to the said commissioners, and shall be by them applied solely to the purpose for which such tax was raised. And the same remedies as are by law applicable to delinquent State, county and town taxes, shall apply to delinquencies occurring in the taxes levied in pursuance of this act.

Levying
of taxes.

Collec-
tion, etc.,
thereof.

§ 5. The commissioners above named shall cause to be made and filed in the office of the town clerk in which such road district shall be situated, a map describing the lands situated therein liable to taxation for the purposes of this act.

Map to be
filed.

§ 6. The term of office of such commissioners shall be one year from the time they shall be qualified as herein provided; and one week before the expiration of their term of office, on notice published in the nearest newspaper, the persons liable to be taxed for the purposes herein provided, in any such district, shall assemble at some place within the district, to be named in the notice, and elect by the votes of a majority of their number present, three commissioners to take the place of the commissioners first appointed. The commissioners thus chosen shall perform the same duties and be subject to the same liabilities as the commissioners first appointed, and shall hold their office for one year, and until their successors shall be duly elected and qualified as herein

Commis-
sioners'
term of
office.

Election
of.

Elections to be held annually. provided; and elections for the choice of such commissioners shall thereafter be held annually in the same manner, one week before the expiration of the term of the outgoing commissioners. At each annual

Tax fixed by majority of voters. meeting for the election of officers, the lawful voters thereat, shall by the vote of a majority of their number, fix the sum to be raised during the year for the maintenance and improvement of the road in the district.

Annual statement. § 7. At each such annual meeting, such commissioners shall present thereat a detailed statement of their receipts and expenditures for the past year, which statement shall within six days after such presentation be filed in the office of the town clerk.

Loans. § 8. The commissioners shall have authority to borrow, on their official bond, any sum of money not exceeding in any year the amount of tax authorized to be raised therein, and in anticipation of such tax, which they shall need for the purposes contemplated by this act.

Salary. § 9. The commissioners shall receive no compensation for their services, but may appoint such foreman as they shall deem necessary to superintend the work to be done in the district, and pay them a reasonable compensation for their services. But the commissioners may

Foreman. be reimbursed, out of the funds of the district for the actual expenses which they may necessarily incur in the discharge of their duties, the accounts for which expenses they shall respectively verify by their oaths.

Payments. § 10. No toll gate or toll bar shall be maintained by any plank-road or turnpike road company within any road district formed pursuant to this act, nor shall any toll be exacted of any person, nor of the members of the immediate family of such person, who shall be taxed or be liable to taxation for the support of the road in such district.

Tolls, etc. § 11. The provisions of this act shall not apply to any road whose charter term remaining unexpired shall exceed five years.

§ 12. This act shall take effect immediately.

Chap. 374.

AN ACT to amend section nine of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction.'"

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction,' " is hereby amended so as to read as follows:

§ 9. Section six of title three of said act is hereby amended so as to read as follows:

§ 6. He shall apportion and set apart from the income of the United States deposit fund so appropriated, the amounts required to pay the annual salaries of the school commissioners elected or elective under this act, to be drawn out of the treasury and paid to the several commissioners, as hereinbefore provided; and he shall also apportion to each of the cities of the State, and to each of the incorporated villages of the State, having a population of five thousand and upwards, which, under a special act, employs a superintendent of common schools, or a clerk of the board of education, who does the duty of supervision, out of the income of the said fund, and if insufficient the deficiency out of the free school fund, so appropriated, the sum of eight hundred dollars, and in case any city is entitled to more than one Member of Assembly according to the unit of representation adopted by the Legislature, five hundred dollars for each additional Member of Assembly, to be expended according to law, for the support of the common schools of the city. He shall then set apart, from the income of the United States deposit fund, for and as library moneys, such sum as the Legislature shall appropriate for that purpose. He shall also set apart from the free school fund a sum not exceeding four thousand dollars for a contingent fund. He shall then set apart and apportion, for and on account of the Indian schools under his supervision, a sum which will be equitably equivalent to their proportion of the State school money, upon the basis of distribution established by this act, such sum to be wholly payable out of the proceeds of the State tax for the support of common schools. After deducting the said amounts, he shall divide the remainder of the State school moneys into two parts, one to be one-third and the other to be two-thirds of such remainder, and shall apportion them as hereinafter specified.

Income of
United
States de-
posit fund,
and free
school
fund.

§ 2. This act shall take effect immediately.

Chap. 375.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act for the relief of the surviving members of the first regiment of New York Volunteers, who served in the war with Mexico.'"

Passed May 20, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter three hundred and thirty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act for the relief of the surviving members of the first regiment of New York Volunteers, who served in the war with Mexico,'" is hereby amended so as to read as follows:

§ 2. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated to carry into effect the provisions of this act. And from such sum one hundred and eighteen dollars shall be paid to Phoebe J. Meech, widow of Horace J. Meech, who served through the war in the first New York Volunteers.

Appropri-
ation,
\$7,500.

Phoebe J.
Meech.

§ 2. This act shall take effect immediately.

Chap. 376.

AN ACT to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof.

Passed May 20, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Dumping
in river
prohibit-
ed.

SECTION 1. It shall be unlawful for any person or persons, by means of any boats, scows or vessels, or in any other manner whatever, to cast, throw, dump or deposit any mud, earth, soil, ashes, refuse, stone, rock or other solid substance or materials, into the waters of the North or Hudson river, or to place, construct or build any contrivance, substance or thing whatever, within said waters, which shall or may, operate in any manner whatever to lessen or decrease the depth of such waters, or in any manner whatever interfere with navigation therein, or imperil or jeopardize the free and safe navigation thereof, or tend in any manner thereto provided, however, that nothing herein shall prevent any steamboat or steam vessel from dumping or casting into said river, at any point not between the city of New York and Stoney Point or between Tivoli and the State dam above Troy, any ashes which shall be accumulated upon such boat or vessel upon any trip.

Penalty.

§ 2. Any person designedly doing any act forbidden by the provisions of this act shall be deemed guilty of a misdemeanor and liable to imprisonment for a term of not more than sixty days, or to a fine of not more than one hundred dollars, or both, in the discretion of the court, for each and every offense, and may be arrested by the authorities, of either of the counties adjacent to the Hudson river at the location where such offense shall be committed. The courts in said counties, respectively, shall have concurrent power and jurisdiction to try such offender or offenders, whether the offense be committed in the respective county or not. Any constable, policeman, sheriff, under or deputy sheriff, alderman of a city or trustee of a village, in either of said counties finding or seeing any person or persons, offending against the provisions of this act, may and it is hereby declared to be his duty to arrest, without warrant, such person or persons so offending, and them to take before the nearest magistrate to be dealt with for such offense according to law.

Jurisdic-
tion of
courts.

Arrests.

Further
penalty.

When ac-
tion may
be
brought,
etc.

§ 3. Any person offending against the provisions of this act, shall also forfeit and pay a penalty of fifty dollars for each offense, to be recovered by suit or action at law in any court having jurisdiction. Such action may be brought in any county adjacent to said river, in the name of any municipal corporation, or in the name of any commissioner of highways or overseer of the poor of any town located within either of said counties, and the sum of money recovered in such action shall be for the supervisors of the county in which such action is tried, for the benefit of the poor of said county.

Excep-
tions.

§ 4. This act shall not apply to the depositing of substances upon the building of wharves or piers upon, or the filling in of land under water granted by the People of the State of New York to any person, or the waters now dyked off by the river commissioners for improving the channel of the river, or when such act, which otherwise would be

an offense, is done by the owner of such land or under his authority, or by his direction or by direction of any public officer having charge of the improvement of the river. Nor shall this act apply to the sweeping, washing or clearing from the decks of canal boats, freight, passenger or pleasure boats or vessels, of such dirt only as collects naturally thereon from the use thereof by human beings using the same for transportation or pleasure, nor the hauling of fire from the furnace-grate of any steamboat having state rooms above the main deck, provided no coal or ashes shall be dumped from the ash-box of said steamboat except as authorized in the first section of this act, nor to the setting of shad poles in the shad season; nor to the use of any other devices or contrivances for the purposes of fishing in any season of the year, but no such setting of shad poles or devices for fishing shall be allowed below the northerly line established by the harbor commissioners of the city of New York; nor shall this act apply to throwing overboard the refuse and waste matter which ordinarily accumulates in and about canal boats engaged in the transportation of goods and merchandise. But this act shall not be construed to authorize the throwing in said water of food or any contrivance or device in which food may be kept, carried or preserved.

§ 5. In case the mud-scow from which such mud, earth, soil, ashes, refuse, stone, rock or other solid substance, shall be cast, thrown, dumped or deposited as specified in section one, shall be towed by a steamboat or tug to the point at which such substance shall be thrown, dropped, cast, dumped or deposited, the master of such steamboat or tug and the contractor using the same, shall be jointly and severally liable to a penalty of two hundred dollars for each and every such offense, recoverable in an action by any overseer of the poor or supervisor of any town located within any of said counties, in any court having jurisdiction of an action for penalties not exceeding two hundred dollars, for the supervisors of the county in which such action is tried for the benefit of the poor of said county.

§ 6. Any person who shall accept any money or other valuable thing by way of compromise for the violation of any of the provisions of this act without the approval of the court shall be deemed guilty of a misdemeanor.

Chap. 377.

AN ACT to authorize the city of Rochester to exchange the mortgage bonds issued by the Rochester, Nunda and Pennsylvania Railroad Company to such city, for second mortgage bonds upon the section of such railroad lying between "Rosses," on the Buffalo division of the Erie railway, and Sonyea, in Livingston county.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council, of the city of Rochester, by a vote of three-fourths of the members elected thereto, is hereby authorized to surrender up and deliver to the Rochester, Nunda and Pennsylvania

Steam-boats to tow mud scows.

Compromising violation a misdemeanor.

Bonds to be delivered to railroad.

Railroad Company, or to its successor, or successors in interest, upon any reconstruction of such corporation, all the mortgage bonds now held by such city issued by such corporation, whenever the section of such railroad lying between "Rosses," on the Buffalo division of the Erie Railway and Sonyea, in Livingston county, is completed, and such section is put into operation by passenger trains being run thereon, and after depots and fences are built on said section and claims for right of way settled, and upon receiving from such corporation, or from its said successor, or successors in interest, second mortgage bonds on such section between "Rosses" and Sonyea at par, amounting to the par value of the bonds now held by such city.

§ 2. All acts or parts of acts inconsistent with this act, heretofore passed, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 378.

AN ACT to provide for the election of school commissioners in the city of Binghamton.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election
for school
commis-
sioners.

SECTION 1. The election for school commissioners of the city of Binghamton shall be held annually on the third Tuesday in September, at such place in each commissioner district of said city as shall be appointed by the common council, who shall give ten days' notice of such election by publishing the same in the official and one or more other city newspapers. The inspectors of election of each election district in which the place shall be situated, appointed as aforesaid, shall hold said election, which shall be conducted in the same manner as the annual city election, and all laws, excepting those providing for the registry of legal voters, applicable to said city election, and to the canvass of the votes cast thereat, and to the certifying of the same, shall apply to said school commissioner election, so far as the same are applicable. The polls of such election shall be opened at five o'clock in the evening, and shall be continued open until nine o'clock in the same evening, and no longer.

Polls.

Report to
common
council.

§ 2. Said inspectors of election, after canvassing and certifying to the number of votes cast for each person voted for at such election, shall immediately thereafter deliver the statement of the same to the city clerk, who shall present such statement to the common council at their next meeting, which shall be on the Thursday next in each year succeeding such election, who shall, upon such statement and certificates, determine what person or persons have been duly elected to the office or offices voted for at such election. The persons having the greatest number of votes for the respective offices to be filled by the electors of the several commissioner districts shall be declared duly elected, and the common council shall make and subscribe a certificate thereof in the book of record of its proceedings. The clerk shall thereupon serve upon each person so elected, either personally or at his place of residence or business, a notice of his election, and such person shall duly qualify and enter upon the duties of his office on the Monday succeeding his election, and continue therein for the term of two

Determi-
nation of
election.

Notices of
election.

Qualifica-
tion and
term.

years, and until his successor shall have taken the oath of office and become duly qualified to serve therein.

§ 3. If, at any election authorized by this act, a commissioner shall not have been chosen by reason of two or more candidates having received an equal number of votes, for the same office or for any other cause, not within ninety days of the annual election, at which the term would expire, a special election shall be ordered by the common council within five days from such election, to be held at such place in the commissioner district or districts where such vacancy or vacancies exist as they shall appoint, and they shall cause such notice as is required for the general election to be published for at least five days previous to such special election. The provisions of law in respect to the annual commissioner election, as far as the same are applicable, shall apply to such special election. Vacancies in the office of school commissioner shall be filled by special election to be ordered and conducted as provided in this section, within five days after such vacancy shall occur. Special elections.
Vacancies.

§ 4. From and after the passage of this act all acts and parts of acts inconsistent with or repugnant to this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 379.

AN ACT to amend an act entitled An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson, passed May first, eighteen hundred and seventy-two, passed May twenty-first, eighteen hundred and seventy-three, and to repeal chapter five hundred and one, of the laws of eighteen hundred and seventy-five.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four, title two, of an act entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson," passed May first, eighteen hundred and seventy-two, passed May twenty-first, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 4. The officers of said city shall be denominated city and ward officers. The city officers shall be a mayor, recorder, city treasurer, three assessors, one justice of the peace, one overseer of the poor, a police justice, a clerk of the common council and of the mayor's court, five superintendents of schools, a messenger and janitor, city surveyor, a superintendent of wharves, piers and slips, sexton, sealer of weights and measures, city weigher, keeper of the city jail or lock-up, pound-master, two scavengers, three fence viewers, keeper of powder house, city crier, such number of commissioners of deeds as shall be fixed by the common council, four constables, a chief of police, and such number of policemen, not exceeding eight in number, as the common council may deem proper and expedient. The said mayor, recorder, city treasurer, assessors, and justice of the peace, shall be chosen by ballot, Officers.
Elective.

Appointed. by the electors of said city; all other city officers shall be appointed by the common council of said city, by a majority of all the members thereof. There shall be one chief engineer of the fire department, who shall hold his office for two years, and be elected by the firemen of the city, at such time and under such regulations as the common council may prescribe, and to be confirmed by them; and in case of a failure to elect, or of a vacancy, the common council to appoint.

Chief engineer.

§ 2. Section twelve of said act is hereby amended so as to read as follows:

Bonds of officers.

§ 12. The city treasurer and the overseer of the poor shall, before they enter upon the duties of their respective offices, file with the clerk of the city a bond to the city of Hudson; the city treasurer in such sum as the common council shall direct, but not less than seventy thousand dollars, and the overseer of the poor, in a sum not less than double the amount of money to be received by him, as such overseer of the poor; each of said bonds to be executed with sureties, who, in the aggregate, shall justify to the amount of such bond; and the police justice, and all such other officers and servants of the city as may by ordinance or resolution of the common council be thereto required, shall severally, before they enter upon the duties of their respective offices, file with said clerk, a bond to the city * Hudson, in such penalty, and with such sureties, as the common council shall direct; all of said foregoing bonds to be conditioned that the principals therein, respectively, shall and will faithfully perform the duties of their respective offices, and account for and pay over to the proper officers, all moneys to be received by them, by virtue thereof; the form of such bonds and the sufficiency of such sureties to be approved by the common council, and the said common council may, by resolution, require the city treasurer to renew, or file a new or an additional bond, at the expiration of the first year, and before he shall enter upon the discharge of his duties for the second year, for which he shall be elected in the manner hereinbefore provided; and, in case he shall fail to comply with the said resolution, the common council may declare the office to which he was elected or appointed vacant, and appoint a suitable person to fill the vacancy.

Condition of bonds.

Approval of.

Renewal of treasurer's bond.

§ 3. Section fifteen of said act is hereby amended so as to read as follows:

Mayor.

Salary.

Powers and duties.

Veto.

§ 15. The mayor shall be a member of the common council, and whenever present, its presiding officer. He shall receive a salary of two hundred dollars per annum, payable quarterly. It shall be his duty to see that the laws of the State and the ordinances of the city are faithfully executed therein, and to recommend to the common council such measures as he may deem necessary or expedient for its welfare. He shall be the head of the police of the city, and shall preserve peace and good order therein. He shall possess the same power and authority in criminal cases, with which justices of the peace in towns are invested. He shall have power to suspend any policeman, or member of the police, for cause, to be assigned to the common council in writing. He shall have the power, and it shall be his duty, to veto any resolution or ordinance of the common council, when, in his judgment, it is unadvisable or inexpedient, or appropriates money or involves expenditures improvidently; such veto to be served in writing on the recorder or clerk of the council, with his reasons therefor, within two days after its passage. The common council may, at their next regular meeting,

* So in the original.

proceed to reconsider the same; if two-thirds of all the members elected then agree to pass the same, it shall take effect, and not otherwise. In every such case, the votes shall be taken by yeas and nays, and entered in the journal. In case of his absence from the city, or his inability to perform the duties of his office, the recorder shall be Recorder to act as mayor. vested with the powers, and execute the duties of mayor.

§ 4. Subdivision or paragraph one of section twenty-two of said act is hereby amended so as to read as follows:

1. The overseer of the poor of said city shall perform such duties as shall or may be imposed upon him by the common council; and the common council are hereby authorized to make all needful rules for the regulation of said officer. The general provisions of the statute in relation to overseers of the poor shall not apply to the overseer of the poor of the city of Hudson; and no overseer of the poor of the city of Hudson shall make disbursements exceeding, in the aggregate, the amount of the annual appropriation made for the purpose of relieving the poor; and any overseer of the poor of said city who shall violate the above provision, shall, together with his sureties, be held personally liable for the amount of such excess; and the common council shall not audit nor allow any such excess over the regular appropriation, nor shall said city of Hudson be liable for the same, or any part thereof. Overseer of poor. Exemption from statutes. Disbursements by.

§ 5. Section twenty-nine of said act is hereby amended so as to read as follows:

§ 29. The common council shall appoint the police justice, a clerk of the common council and of the mayor's court, three superintendents of schools, a messenger and janitor, city surveyor, a superintendent of wharves, piers and slips, a sexton, a sealer of weights and measures, a city weigher, a keeper of the city jail or lock-up, a pound master, two scavengers, three fence viewers, a keeper of the powder house, city crier, such number of commissioners of deeds as shall be fixed by the common council, four constables, a chief of police and such number of policemen, not exceeding eight in number, as the common council may deem proper and expedient, who shall (except the superintendents of schools, commissioners of deeds, chief of police or policemen) hold their office during the pleasure of the common council, and who shall (except as otherwise provided for in this act) be paid for their services such compensation as the common council shall deem reasonable and proper. The common council may appoint such number of special policemen, in addition to the number hereinbefore stated, as they may deem proper and expedient, and either with or without compensation; if with compensation, the time for such service shall not extend beyond certain particular days, not exceeding three days to be specified in the resolution or order appointing them; and the amount of such compensation shall not exceed the sum of two dollars per day. The superintendents of schools shall be divided into three classes of one each; the first to be appointed for one year, the second for two years, the third for three years, and at the expiration of their several terms, and annually thereafter, one superintendent of schools shall be appointed in the same manner for five years, and until another is duly appointed in his place. Officers appointed by common council. Superintendents of schools.

§ 6. Section thirty-two of said act is hereby amended so as to read as follows:

§ 32. The common council shall have exclusive power over the ferries from the said city to the western shore of the river, and to establish, license and regulate such and so many ferries, from time to time, as they may deem conducive to the public interest; and to improve the Ferries.

ferriage between said city and the village of Athens, and generally to do all acts and things which in their judgment shall be conducive to the public interest in the premises; and if, in their opinion, proper or necessary to effect such purposes, to lease the said privileges and rights of ferriage to any person or persons; but no such lease shall exceed the term of ten years, and nothing herein contained shall be so construed as to deprive or affect the rights of the present lessee of ferriage under lease now held by him. But nothing herein contained shall be so construed as to authorize the common council to establish more ferries during the continuance of the lease of the present ferry, or in any manner to deprive or affect the rights of the present lessee of said ferry under lease now held by him.

§ 7. Section thirty-eight of said act is hereby amended so as to read as follows:

Violations
of city or-
dinances.

§ 38. All actions or proceedings brought to recover a fine, penalty or forfeiture for the violation of any city ordinance, by-law, regulation or resolution, or for any claim arising under the thirty-third section of this act, shall be brought in the corporate name of the city; and any inhabitant of said city may bring, or cause to be brought, any such action or proceeding, and prosecute the same to judgment, before the police justice or the police court of said city, without charge or expense to said city; and the said city shall not, in any such action or proceeding so brought or prosecuted by such inhabitant, be, or become liable for any costs, damage or expense incurred therein or arising therefrom, unless such prosecution shall have been specially authorized or directed in writing, by the mayor, recorder, or an alderman of said city, and signed by him.

Costs.

§ 8. Section forty of said act is hereby amended so as to read as follows:

Removal
from of-
fice.

§ 40. The common council may remove from office, by a vote of a majority of the members thereof, any officer appointed by the common council; and any elective officer, except the mayor, recorder and aldermen, may be removed by a vote of two-thirds of all the members of said common council, but not until he shall have had notice of the charges made against him, and an opportunity given him of being heard in his defense, by counsel or otherwise; and in case of the removal of an elective officer, the cause of such removal shall be stated in writing, and entered in the records of the proceedings of the common council. But nothing herein contained shall authorize the removal of any chief of police or policeman now in office, except in the manner, and for the causes mentioned in section nineteen of this act; and no chief of police or policeman shall be removed until he shall have had notice of the charges preferred against him and a reasonable opportunity afforded him after such notice of being heard in his defense by counsel or otherwise.

§ 9. All acts or parts of acts inconsistent with this act, or the act hereby amended, are hereby repealed.

§ 10. This act shall take effect immediately.

Chap. 380.

AN ACT to amend an act entitled “An act to revise and consolidate the several laws in relation to the village of Whitehall, passed March sixteenth, eighteen hundred and fifty, and other acts amendatory thereof.”

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision seven of section seven of the act entitled “An act to revise and consolidate the laws in relation to the village of Whitehall, passed March sixteenth, eighteen hundred and fifty, as amended by chapter four hundred and seventy-one of the laws of eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

7. In their discretion, for the prevention of fires, the protection of property, the prevention of crime, and breaches of the peace, to cause a night watch to be kept in said village, and to prescribe their compensation; and said night watchmen are hereby vested with the same powers that the police constables of said village possess under this act. The fees of these night watchmen, in criminal cases, and which are not a legal charge upon the town or county, shall be audited by the board of trustees of said village, and shall be paid out of the village treasury. And to cause the streets of said village, or such of them as they think necessary to be lighted during the night, and to cause such standards and lamps to be placed for that purpose as they may deem necessary, and to protect the same by penalties, and make by-laws in relation to the same, and may enter into contracts with one or more persons, or corporations, for lighting said streets.

§ 2. Subdivision thirteen of the said section seven of said act, as amended by chapter four hundred and seventy-one, of the laws of eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

13. They may annually appoint two police constables, who, within their limits, shall have the same power and be subject to similar duties as constables in the town of Whitehall, and they or either of them, or the trustees of the village, or either of them, or any constable of the town of Whitehall, shall have power and are hereby authorized to arrest or cause to be arrested, with or without process, all persons who shall, within the limits of the village, sell intoxicating liquors contrary to law. All persons found intoxicated in the streets, quarreling, fighting, immoderate riding or driving, or doing anything calculated to injure or endanger persons or property in any of the streets of said village, in addition to those persons enumerated in the first section of title fifth, chapter twentieth of the first part of the Revised Statutes, all of whom shall be deemed disorderly persons; and the said officers shall have power, with or without process, while in pursuit of such persons, to enter, or cause to be entered, any place or building within the limits of said village, and arrest any such disorderly persons and forthwith take them before the police justice, or any justice of the peace in the village, to be dealt with according to the provisions of this act. And the fees of the said police constables for the services herein prescribed, and for their services in criminal cases, which are

not legally chargeable upon town or county, shall be audited by the board of trustees of said village, and be paid out of the village treasury.

§ 3. Section sixty-six of said act, as amended by chapter four hundred and seventy-one of the laws of eighteen hundred and sixty-nine, is hereby amended so as to read as follows:

Justices of
the peace.

Trustees
to appoint
justice.

Jurisdic-
tion.

Fees.

§ 66. The justices of the peace of the town of Whitehall, who shall reside within the corporate limits of said village, shall have power and jurisdiction to issue process, try and render judgment in any action instituted by the trustees of said village, to recover, collect and enforce fines and forfeitures, or penalties incurred by any person, for the violation of any of the provisions of this act, or the by-laws or ordinances at any time adopted by the trustees of said village; and the trustees may annually appoint a police justice who shall hold office for one year (unless sooner removed by the trustees), and shall, within the boundaries of the village, possess all the powers and be subject to the liabilities and duties as the justices of the peace of the town, and their accounts for services herein prescribed, and their services in all criminal cases, not legally chargeable to the town or county, shall be audited by the board of trustees of said village, and be paid out of the village treasury, and all fines, forfeitures, and penalties incurred for a violation of this act or the by-laws or ordinances aforesaid, shall be paid into the treasury of said village.

§ 4. This act shall take effect immediately.

Chap. 381.

AN ACT to provide ways and means for the support of government.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax for fis-
cal year.

General
fund.

Free
school
fund.

Bounty
debt.

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, eighteen hundred and seventy-six, on each dollar of real and personal property of this State subject to taxation, taxes for the purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this State, to be held by the Treasurer for application to the purposes specified, that is to say:

For the general fund and for the payment of those claims and demands which shall constitute a lawful charge upon that fund including the sum of eight hundred thousand dollars appropriated for the New Capitol, for the fiscal year commencing October first, eighteen hundred and seventy-six, one mill and seven-eighths of one mill;

For the free school fund, for the maintenance of common schools, one mill and one-fourth of one mill;

For the payment of the interest, and to provide for the redemption of the State bounty debt, pursuant to chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-five, one-third of one mill.

The sum of eight hundred thousand dollars appropriated for the New Capitol, above mentioned, is in lieu of the same amount levied in the act appropriating the same.

Chap. 382.

AN ACT appointing commissioners to investigate certain lateral canals of this State, and to report upon the disposition to be made thereof.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Warner Miller, of Herkimer county, William Foster, of Oswego county, E. W. Chamberlain, of Allegany county, Artemus B. Waldo, of Essex county, citizens of this State, are hereby appointed commissioners to visit, inspect and examine the lateral canals, known as the Chemung canal and feeder, the Crooked Lake canal, the Genesee Valley canal, the Chenango canal, and the Black River canal, and each of them and their appurtenances, in order to ascertain:

1. The condition of each canal—its direct revenue—and its contribution to the system—the cost of maintaining it and keeping it in use, and probable future outlays for repairs and replacement if it should be kept in permanent use.

2. Its value for hydraulic and commercial purposes, and its usefulness to the business interests of its vicinity.

3. Its necessity or utility as a feeder to the Erie canal, to what extent it is needful for that purpose, and the annual cost of keeping it in use as a feeder and only for that purpose.

4. What means, if any, will be necessary to prevent injury or damage from any canal kept as a feeder or abandoned, or the reservoirs connected therewith, to adjacent or neighboring property.

5. What portion of any canal to be disused, or any property connected therewith, can be sold and for what probable sums.

6. Generally what disposition should be made of such canals; and to report to the Legislature of eighteen hundred and seventy-seven, in the first week of its session, all evidence taken and all facts ascertained by them in reference thereto, together with their opinion as to whether said lateral canals, or any of them, or any portion of either of them, shall remain under the control and management of the State, or be sold, leased or abandoned. The members of such commission, before entering upon the duties of their office, shall severally take, subscribe and file with the Secretary of State the prescribed Constitutional oath.

§ 2. Each commissioner hereby appointed shall have power to subpoena witnesses, to issue compulsory process for their attendance and for the production of books and papers, to administer oaths, and when the board is in session, to examine persons under oath in respect to all matters referred to in the first and third section of this act.

§ 3. Said commissioners shall convene and act as a board, and hold as many sessions at such times and places, on the line of such lateral canals or elsewhere, as may be by them deemed necessary to elicit all such facts and information as will enable the State to adopt a settled, permanent and just policy in the management or disposition of said lateral canals. Said commissioners are expressly charged with the

Manufacturing interest on canals.

duty of ascertaining, as nearly as may be, what manufacturing or other interests have grown up on the lines of said lateral canals, wholly or partly dependent for their future value and the continuance of their business upon the continued use and navigation of said lateral canals, or either of them or any part of either of them; the amount of the products of such manufacturing or other interests, and the capital invested therein, as nearly as the same can be estimated; and also to inquire into the effect of a total abandonment of said lateral canals, or either of them, upon any and all interests connected therewith or dependent in whole or in part thereon, and to report all such testimony and facts and their conclusions in relation thereto, as required in the first section of this act.

Secretary and stenographer.

Salary.

Pay of commissioners.

§ 4. The commissioners herein appointed shall have the power to appoint a secretary and a stenographer, who shall receive such compensation for their respective services and expenses as the said commissioners shall certify to be just and reasonable, to be audited by the Comptroller and paid out of the Treasury. The compensation of the commissioners shall be twenty dollars per day, each, while in the actual performance of the duties imposed upon them by this act, together with their actual disbursements for traveling and other necessary expenses therein, to be audited by the Comptroller and paid out of the Treasury; but the aggregate amount thereof shall not exceed the sum of fifteen thousand dollars.

§ 5. This act shall take effect immediately.

Chap. 383.

AN ACT to reappropriate certain moneys in the treasury heretofore appropriated for the rebuilding of the Glens Falls feeder to the Champlain canal.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, appropriated by act, chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-four, for the rebuilding of Glens Falls feeder, so as to prevent leaks through the lime-stone rocks, and to fill the seams and openings therein, is hereby reappropriated, the work to be done under the direction of the State Engineer and the Commissioner in charge.

§ 2. This act shall take effect immediately.

Chap. 384.

AN ACT respecting the powers of the Canal Board, and the adjustment of tolls.

Passed May 20, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Board shall have power, from time to time to fix the rates of toll on the Chemung, Crooked Lake, Chenango

Genesee Valley and Black River canals or either of them, at such rates as in its discretion, will be likely to insure sufficient revenue to provide for the maintenance thereof. All moneys collected for tolls upon the said Chemung, the Crooked Lake, the Chenango, the Genesee Valley, and the Black River canals, together with all tolls collected upon the Erie and intervening canal from freight coming from said lateral canals respectively, provided such freight shall be cleared direct from the place of shipment to its ultimate destination, shall be credited to each of said canals as tolls received from them respectively. The Canal Board shall also have power, from time to time, to prescribe regulations for the collection of such tolls, and impose forfeitures of money for the breach thereof. And nothing herein shall be construed as consent given by the Legislature to the lowering of tolls, on any of the canals below the toll-sheet of eighteen hundred and fifty-two.

Tolls on lateral canals.

Credit of tolls.

Collection of tolls.

Minimum rate.

§ 2. So much of the first section of act chapter one hundred and sixty of the laws of eighteen hundred and forty-one as is inconsistent with this act is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 385.

AN ACT relating to the appointment and duties of engineers employed on the canals of this State.

Passed May 23, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter the division and resident engineers employed on the canals of the State, and all assistant-engineers and other persons employed to assist them in the performance of their duties, shall be appointed by the State Engineer and Surveyor. The State Engineer and Surveyor shall have power to remove any person appointed under this act. The recognized grades of officials appointed under this act shall be as follows: Division engineer, resident engineer, assistant engineer, leveler, rodman and chainman.

Appointment of.

Removal of.

Grades.

§ 2. In case it may be deemed necessary by the State Engineer and Surveyor, but not otherwise, at any time to employ additional engineers or other persons to assist the division and resident engineers in the performance of their duties, the same may be done by him with the consent of the Canal Board, and all appointments to such employment shall be made in the manner prescribed in the first section of this act.

Additional engineers.

§ 3. It shall be the duty of the Canal Board to fix the salary or rate of compensation of every person appointed under this act.

Compensation.

§ 4. The division engineer may draw his draft upon the Auditor of the Canal Department for any sum to be advanced to him to meet the expenses of the engineer department on his division of the canals; but every such draft shall be countersigned by the State Engineer and Surveyor, and if the bond of the division engineer shall have been duly filed in the office of the Auditor, and a receipt for such sum shall also be filed in the same office, it shall be the duty of the Auditor to pay such draft by drawing his warrant on the Treasurer of the State in favor of such division engineer, provided the advances to such

Drafts of division engineer.

Drafts
prohibit-
ed.

division engineer, unaccounted for, shall at no time exceed the sum of five thousand dollars. No money shall hereafter be drawn from the State treasury to meet the expenses of the engineer department, other than those pertaining to the office of the State Engineer and Surveyor, in any other manner than is herein prescribed.

Division
engineers'
accounts.

§ 5. The division engineers of the several divisions of the canals shall, once in ninety days, beginning on the first day of each fiscal year, render accounts of their disbursements, with sworn vouchers for the same, to the State Engineer and Surveyor, who shall examine them, and if he finds them correct, he shall forward them, with his approval, to the Auditor, who shall audit them; and if any division engineer shall omit to render his account, or his account as rendered be not satisfactory, the Auditor shall notify the State Engineer and Surveyor and the Commissioners of the Canal Fund of the fact, and no further advances shall be made to such division engineer until he shall have satisfactorily explained to the State Engineer and Surveyor and the Commissioners of the Canal Fund, his omission to render proper accounts. It shall be the duty of the Auditor to prepare such blank forms, and to prescribe such rules as may be required to facilitate the rendering and ensure the uniformity of the accounts directed to be made by this act.

Omissions
to render.

Form of
account-
ing.

Division
engineer
pro tem.

§ 6. In case of the absence or inability to act, of a division engineer, the resident engineer of his division may discharge all the duties of such division engineer.

Oath of
office.

Accounts
sworn to.

§ 7. Every person appointed under this act shall take and subscribe the Constitutional oath of office, which shall be filed in the office of the Secretary of State, and all accounts rendered and estimates made by the division and resident engineers upon which moneys may be drawn from the treasury of the State, must be sworn to by the said division and resident engineers and the assistant engineers, who may be employed to assist them in making the same, in such forms as may be prescribed by the Auditor. And every division and resident engineer appointed under this act, shall, before entering upon the duties of his office, file in the Canal Department his bond, duly executed, to the People of the State in such sum and with such surety for the faithful discharge of his duties, not exceeding in each case the sum of twenty thousand dollars, as the Auditor shall approve. No money shall be advanced to any division or resident engineer, nor shall any account of moneys disbursed by him be audited, until the provisions of this section shall have been fully complied with.

Bond.

Advances.

Expenses
of depart-
ment.

§ 8. The expenses of the engineer department, other than those of the office of the State Engineer and Surveyor, shall be paid out of the funds appropriated by the Legislature for the repairs and maintenance of the canals.

Laws re-
pealed.

§ 9. So much of all laws and parts of laws as conflict with the provisions of this act or authorize the appointment or employment of the officers or persons whose appointment or employment is herein provided for, are hereby repealed.

List to be
published
quarterly.

§ 10. It shall be the duty of the Auditor to publish quarterly in the State paper the names of the engineers employed under the grade of resident engineer.

§ 11. This act shall take effect immediately.

Chap. 386.

AN ACT making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs, and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-six, and to provide for deficiencies in former appropriation.

Passed May 23, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby appropriated out of the revenues of the State canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy-six. For paying the expenses of the collection of tolls, the superintendence and ordinary repairs of the canals, the salaries, traveling expenses and clerk hire of the Canal Commissioners, the State Engineer and Surveyor, the Canal Appraisers and the incidental charges and expenses of their office, the salary of the Auditor of the Canal Department, the clerk hire therein, and the incidental charges and expenses thereof, the sum of one million, one hundred and twenty thousand and six hundred dollars, or so much thereof as may be necessary, to be expended during the fiscal year, to be distributed, applied, apportioned, and disposed of as follows: Appropriation.

For the salaries, traveling expenses and clerk hire of the Canal Commissioners and of the Board of Canal Commissioners, twenty-two thousand and four hundred dollars. Salaries.

For the salary and traveling expenses of the State Engineer and Surveyor, five thousand two hundred dollars.

For the salaries and clerk hire of the superintendents of repairs of the canals, the sum of sixty thousand dollars, or so much thereof as may be necessary.

For the salaries and traveling expenses of the Canal Appraisers, for clerk hire and the incidental expenses of their office, the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

For the salary of the Auditor of the Canal Department, five thousand dollars, and for deputy and clerk hire in the said department, the sum of seventeen thousand dollars.

For the salaries and compensation of the engineer employed on the ordinary repairs of the canals, including the incidental expenses of such engineer, the sum of twenty-four thousand dollars, or so much thereof as may be necessary.

For the salaries and compensation of the collectors of canal tolls and their clerks, and for salaries and compensation of weigh-masters and their assistants, including the incidental expenses of said collectors and weigh-masters, and the compensation of inspectors of boats and their cargoes, the sum of one hundred thousand dollars, or so much thereof as may be necessary.

For the payment of such incidental and miscellaneous charges and expenses as are authorized by existing statutes to be paid out of the canal revenues, and charged to the account of the Erie and Champlain canal fund, and the canal debt sinking fund, under section one of article seven of the Constitution, the sum of sixty thousand dollars, or so much thereof as may be necessary. Miscellaneous expenses.

Expenses
of locks.

For the payment of the expenses of lock tending, the sum of one hundred and sixty-four thousand dollars, or so much thereof as may be necessary, to be apportioned as follows: To the eastern division of the canals, the sum of eighty-two thousand dollars. To the middle division of the canals, the sum of fifty-six thousand dollars. To the western division of the canals, the sum of twenty-six thousand dollars.

Ordinary
repairs.

For the payment of the expenses of ordinary repairs of the completed canals of the State, the sum of six hundred and thirty-six thousand dollars, or so much thereof as may be necessary, to be distributed, assigned and apportioned in the first instance to the three divisions of the canals, as now constituted, as follows: To the eastern division of the canals, the sum of three hundred and eighteen thousand dollars. To the middle division of the canals, the sum of one hundred and forty-four thousand dollars. To the western division of the canals, the sum of one hundred and seventy-four thousand dollars.

Black Riv-
er.

For paying the expense of the collection of tolls, the superintendence and all repairs of the Black River canal for the fiscal year, the sum of twelve thousand dollars in addition to the sums now authorized by law to be expended on said canal.

Chemung.

For the expenses of collection of tolls, superintendence, maintenance and all repairs of the Chemung canal for the fiscal year, the sum of ten thousand dollars in addition to the amount hitherto charged and chargeable up to and on account of the expenses of that canal for this fiscal year, and any existing limitation upon the expenditure of the sum so appropriated is, for the purpose, hereby suspended.

Genesee
Valley.

For the expenses of collection of tolls, the superintendence, maintenance and all repairs of the Genesee Valley canal for the fiscal year, the sum of forty thousand dollars, or so much thereof as may be necessary, in addition to the amount hitherto charged and chargeable up to and on account of the expenses of that canal for this fiscal year, and any existing limitation upon the expenditure of the sum so appropriated is, for the purpose thereof, suspended.

Limit of
expendi-
tures.

The Canal Commissioners shall not expend any more money in their respective divisions, nor incur any charge against the State for the repairs of the canals during the fiscal year, than is above appropriated and apportioned to the said divisions by this act unless the Canal Board, by resolution, to be entered on the minutes of said board, and by the unanimous vote of all members thereof present, not less than six, shall otherwise order and direct. And the said Canal Board, in case of breaks or breaches, or other extraordinary occurrences happening on any one of said divisions, causing or tending to a suspension or interruption of navigation upon such division, shall, and the said board is hereby authorized to direct, in manner above provided, the transfer of such portion of the unexpended balance of one or both the other divisions to the division requiring the same to sustain navigation; and the Commissioner in charge of the division to which such transfer of appropriation shall be made, shall expend the same in the amendment and reparation of the canals under his charge, designated in the resolution of the Canal Board authorizing such transfer.

Transfer
of unex-
pended
balances.

Deficien-
cies.

§ 2. The further sum of one hundred and fifty-six thousand eight hundred and seventy-nine dollars and sixty-seven cents is hereby appropriated out of the revenues of the canals for the current fiscal year, to provide for deficiencies in the appropriations by act, chapter two hundred and sixty of the laws of eighteen hundred and seventy-five, as follows:

For William Gibbons, for repairing docking on Chemung canal, two thousand one hundred and sixty-two dollars and fifty cents, or so much thereof as may be necessary. William Gibbons.

For the payment of the drafts of the Canal Commissioners and superintendents on account of the ordinary repairs of the canals, the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, to be apportioned and assigned by the Canal Board to the three divisions of the canals, or either of them, as may be required; provided, however, that no expenditure shall be made or authorized of any portion of said one hundred and fifty thousand dollars by any Canal Commissioner, or by any superintendent, nor shall any draft be drawn against said sum of money until after the same or some portion thereof shall have been especially apportioned and assigned by the Canal Board to some one of the divisions of the canals, and said expenditure or draft made or drawn by any commissioner or superintendent, shall, in no instance, exceed the unexpended or undrawn balance of any sum assigned for the division of the canals to which such commissioner is assigned, or upon which such superintendent has been appointed. Drafts for ordinary repairs.

No moneys appropriated for the ordinary repairs of the canals shall hereafter be expended or paid for materials furnished or for work done on a change of plan of a completed canal, its banks, locks, waste-weirs, culverts, bridges, or any other structure, or matter or thing connected therewith. Appropriations for ordinary repairs.

For deficiency in the appropriation for salary of the State Engineer and Surveyor, commencing January one, eighteen hundred and seventy-six, the sum of twelve hundred and fifty dollars. Salary. State engineer.

For deficiency in the appropriation for salary of the Canal Commissioner in charge of the middle division of the canals, commencing January one, eighteen hundred and seventy-six, the sum of one thousand dollars. Deficiency for commissioner of middle division.

For deficiency in the appropriation for salary of the Auditor of the Canal Department, the sum of six hundred and sixty-six dollars and sixty-seven cents, and for clerk hire in said department, twelve hundred dollars. Deficiency for Auditor.

For Francis S. Thayer, late Auditor of the Canal Department, for balance due him for salary for the year ending September thirty, eighteen hundred and seventy-five, the sum of five hundred and sixty-two dollars and fifty cents. Francis S. Thayer.

Chap. 387.

AN ACT to encourage improvement in steam canal propulsion in this State.

Passed May 23, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Canal Commissioners are hereby authorized and directed to allot and set out to Hugh Stevenson and Enos W. Peloubet and to each of them a distance on the Erie canal of not less than five miles, at such point as may be most convenient and suitable, for the purpose of experimenting with his or their method of steam canal boat propulsion. Said experiments to be made under the direction of the Allotment for testing steam power on canals.

said Commissioners and at the expense of the said Hugh Stevenson and Enos W. Peloubet respectively, provided that the navigation of the canal for the purposes of commerce be not interfered with.

§ 2. This act shall take effect immediately.

Chap. 388.

AN ACT to enlarge the powers of the Canal Board.

Passed May 23, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Power of
investiga-
tion.

SECTION 1. The Canal Board shall have power to investigate all matters and transactions, including those of the past, connected with or pertaining to the canals of this State.

Examina-
tion of
witnesses.

§ 2. Whenever the Canal Board shall wish to examine any person as a witness upon any subject or matter connected with or pertaining to the affairs of the canals of this State, or shall wish to use, inspect or examine any book, account, voucher, document or writing in the possession of any person or under his control, relating in any manner to the affairs of the canals of this State, the chairman of the Canal Board, or, in the absence of the chairman, any member of the Canal Board shall issue a subpoena commanding such person to appear before the Canal Board at a time and place therein specified, to be examined as a witness, and such subpoena may contain a clause requiring such person to produce on such examination any book, paper, document, or writing in his possession or under his control relating in any manner to the affairs of the canals of this State. The examination of any witness by or before said Canal Board shall be open and public whenever such witnesses shall request that such examination shall be publicly conducted. Whenever any person shall be examined as a witness under the provisions of this chapter he may, if he desires, be attended by counsel, who may ask any pertinent question of such witness, and his answers thereto shall be reduced to writing by such Board as a part of the deposition of such witness. Whenever, in the opinion of the Canal Board, it shall be necessary for the public good to examine the witnesses separately, they may, on the examination of any witness, exclude all other witnesses subpoenaed on the same matter during such examination.

Publicity.

Counsel.

Separate
examina-
tions.

Service of
process.

§ 3. Any person may serve, and it shall be the duty of any sheriff, or any deputy sheriff or constable, to whom the subpoena may be delivered for service, to serve the same upon the person or persons named therein by showing the original and delivering a copy thereof; the official certificate of the sheriff, deputy sheriff, or constable or the affidavit of any other person of the time and place of the service of such subpoena shall be prima facie evidence of such service. The Auditor of the Canal Department shall pay out of any moneys appropriated for canal purposes, upon the order of the Canal Board, any expenses incurred in carrying out the provisions of this act. All evidence taken under the provisions of this act shall be filed in the office of the Attorney-General.

Expenses.

Evidence.

§ 4. Whenever any person duly subpoenaed to appear and give evidence, or to produce any book or paper as herein provided, shall neglect or refuse to appear, or to produce such book or paper accord-

ing to the command of such subpoena, or to allow an inspection of the same, or shall refuse to testify before such Board, or to answer any question which a majority thereof shall decide to be proper and pertinent, he may be proceeded against as for contempt, and it shall be the duty of the chairman of the Board, or in the absence of such chairman, it shall be the duty of any member of such Board to report the facts by affidavit, verified by one of the members of said Board, to the county judge of the county where such examination was had, or to any judge of the Supreme Court in such judicial district, or of any superior court of any city in such county, who shall thereupon issue an attachment in the form usual in the court of which he shall be a judge, directed to the sheriff of the county where such witness may be, commanding the said sheriff to attach such person and forthwith bring him before the judge by whose order such attachment was issued. In case the misconduct alleged shall be the refusal to answer a question, it shall appear by said affidavit that such question was proper and pertinent; and in case the misconduct alleged is the refusal or neglect to produce any book or paper, said affidavit shall state upon the knowledge or the information and belief of the person making the same, that the production of such book or paper is material and necessary.

Contempt.
Proceed-
ings for.

§ 5. The officer to whom such attachment shall be delivered shall execute the same by arresting and keeping the witness in his custody, and forthwith bringing him personally before the judge and detaining him in his custody until the order of the judge.

Arrest.

§ 6. When any witness arrested upon such attachment shall be brought before the judge who shall have issued the same, the judge shall cause interrogatories to be filed specifying the facts and circumstances alleged against the witness and requiring his answer thereto; to which the witness shall make written answers on oath within reasonable time as the judge shall allow. The judge may receive any affidavits or other proofs contradictory of the answers of the witness or in confirmation thereof; and upon the original affidavits, such answers and such subsequent proof shall determine whether the witness has been guilty of the misconduct alleged.

Proceed-
ings there-
on.

§ 7. If the judge shall adjudge the witness to have been guilty of the misconduct alleged, such judge shall thereupon imprison the witness until he shall perform the act or duty required of him and shall pay any expenses incurred by reason of his contempt; and the order and process of commitment shall specify the act or duty to be performed and the amount of the expenses to be paid. In all cases of commitment under this act the person committed may, in case of inability to perform the act required, or to endure the imprisonment, be discharged from imprisonment, by the court or judge committing him, on such terms as may be just.

Punish-
ment.

Dis-
charge.

§ 8. Whenever an attachment shall have been issued according to the provisions of this act and shall not have been returned, the Board shall, when it adjourns, adjourn to a time and place certain, which time shall not be more than ten days for any one adjournment, of which notice shall be given by the chairman to the judge before whom the said attachment shall be returnable, and in such case if the person against whom it issued shall be arrested he may give a bond to the People of the State of New York in a penalty to be fixed by the judge, not less than one thousand dollars, with two sufficient sureties to be approved by the said judge, with a condition that he will appear be-

Adjourn-
ments.

Bail.

Costs. fore such Board at the time and place to which it shall have been adjourned, and will then and there perform such act or duty as such judge shall direct to be named in such bond, and for the refusal to perform which he is in custody; said bond shall not be taken, however, until the witness shall first have paid all costs and expenses incurred by reason of his contempt.

Bond. § 9. Such bond shall be filed in the office of the Comptroller of the State, and if default be made in the condition thereof it shall be the duty of the Attorney-General to sue for and collect the penalty of the same, and the money, when received, and all costs and expenses which shall be collected by virtue of the provisions of this act shall be paid to and retained by the Attorney-General and may be used by him and shall be accounted for by him in the same manner as costs collected in actions conducted by the Attorney-General.

Judgments. § 10. All orders, decisions and judgments made and given in proceedings under this act shall be filed in the office of the clerk of the county where such proceedings are had, and the clerk shall thereupon enter the proper orders and judgments, and such orders, decisions and judgments shall have the like force and effect as if made and given by the court at a regular term or session thereof.

Oaths. § 11. Any member of the Canal Board shall have power to administer oaths and affirmations to witnesses to be examined before such Board.

Perjury. § 12. All willful false swearing by any person sworn under the provisions of this act shall be deemed perjury, and shall be punishable as such.

Exonse from testifying. § 13. No person sworn under the provisions of this act shall be excused from testifying on the ground that his evidence would tend to criminate or degrade him; but the testimony of any witness examined under the provisions of this act, shall not be used against him on the trial of any indictment or criminal prosecution other than for perjury committed on such examination.

§ 14. This act shall take effect immediately.

Chap. 389.

AN ACT to amend chapter five hundred and four of the laws of eighteen hundred and seventy-five, entitled An act to amend chapter four hundred and fifty-five of the laws of eighteen hundred and seventy-four, entitled An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York; also of Clyde and Seneca rivers, in the counties of Wayne and Cayuga.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and four of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter four hundred and fifty-five of the laws of eighteen hundred and seventy-four, entitled 'An act to protect the fisheries of Cross lake, in county of Onondaga, State of New York; also of Clyde and Seneca

rivers, in the counties of Wayne and Cayuga," is hereby amended, so as to read as follows :

SECTION 1. Section one of chapter four hundred and fifty-five of the laws of eighteen hundred and seventy-four, entitled "An act to protect the fisheries of Cross lake, in the county of Onondaga, State of New York ; also of Clyde and Seneca rivers in the counties of Wayne and Cayuga," is hereby amended so as to read as follows :

§ 1. No person shall at any time take, procure, catch or kill, or assist in taking, procuring, catching or killing, or attempt to take, procure, catch or kill, with or by means of any device whatsoever, except hook and line and spear, any fish of any kind, in or from the waters of Cross lake, and except hook and line and spear, any fish of any kind within the counties of Onondaga or Cayuga, in or from the Clyde or Seneca rivers, within the counties of Wayne or Cayuga, or from any of their outlets or inlets within said counties, or any pond, lake or bay in the county of Cayuga, except minnows for bait, which may be taken in any way, and except bull-heads and eels, which may be taken in fykes, in or from Seneca river within the counties of Cayuga or Wayne, or any pond, lake or bay in the county of Cayuga, and no person shall take any fish through the ice from said waters in any manner whatsoever ; nor shall any person have in his or her possession, or sell or expose for sale any fish caught or taken from said waters in violation of this act, except the waters of the outlet of Canandaigua lake, so far as the same lies within the county of Ontario.

Fishing, except with hook and line and spear, prohibited.

§ 2. This act shall take effect immediately.

Chap. 390.

AN ACT to amend chapter two hundred and ninety of the laws of eighteen hundred and fifty-five, entitled "An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer."

Passed May 24, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter two hundred and ninety of the laws of eighteen hundred and fifty-five, entitled "An act in relation to courts of special sessions in, and to regulate the police of the county of Rensselaer," is hereby amended so as to read as follows :

§ 1. When any person charged with any offense specified in section first, article first, title third, chapter second of the fourth part of the Revised Statutes, or with the commission of any of the acts or offenses enumerated in section first, title fifth, chapter twentieth of the first part of the Revised Statutes, or with being guilty of malicious mischief when the damages charged to have been done shall be less than one hundred dollars, or with vagrancy, or with indecently exposing his or her person, or with tumultuous or riotous conduct, disturbing the public peace, or with fighting or being engaged in any affray, or with being intoxicated under such circumstances as shall amount to a violation of public decency, shall be brought before any justice of the peace of the county of Rensselaer, or any police justice or magistrate exercising criminal jurisdiction in any town or village in said county,

Power of court to punish.

such justice, police justice, or magistrate shall, upon conviction of such offender, have power to punish him by fine not exceeding fifty dollars, or by imprisonment in the county jail of such county at hard labor, for a term not exceeding six months, or by both such fine and imprisonment.

Abandonment of family, punishment of.

§ 2. Any person who shall abandon his wife or children, leaving them or any of them, without adequate means of support, or who shall refuse or neglect to support them, or any of them, according to his ability, shall be deemed a disorderly person, within the meaning of the Revised Statutes, and for the purposes of trial and punishment, as prescribed in the first section of this act.

§ 3. Section three of said act is hereby amended so as to read as follows:

Trial.

§ 3. When any person charged with any offense specified in this act, shall be brought before any such justice, police justice or magistrate, it shall be the duty of such justice, police justice or magistrate forthwith to hear, try and determine such complaint or prosecution, according to the provisions of said article first, title third, chapter second of the fourth part of the Revised Statutes, whether the person charged with such offense shall request to be tried or not, and no other court or magistrate shall have jurisdiction to try such person for such offense; unless such justice, police justice or magistrate, shall be disqualified by law to act. Such justice, police justice or magistrate may, on the application of either party, adjourn the hearing or trial, from time to time, for the purpose of procuring material testimony, or for the convenience of such officer, for a period not exceeding sixty days, and such justice, police justice or magistrate may commit the accused to jail until such adjourned day, or suffer such accused to go at large upon his or her executing to the People of the State of New York, and filing with such justice, police justice or magistrate, a bond with sureties to be approved by him, in a penalty not exceeding five hundred dollars, conditioned for the personal appearance of the said accused before such justice, police justice or magistrate, on the day to which said hearing or trial shall be adjourned, and that he or she will not depart therefrom without leave of the court, and for every bond so given to and filed with such justice, police justice or magistrate, he shall be entitled to receive a fee of fifty cents.

Adjournments.

Bail.

§ 4. Section four of said act is hereby amended so as to read as follows:

Forfeited recognizances.

§ 4. Every bond so given, which shall be forfeited, shall be delivered by such justice, police justice or magistrate to the overseer of the poor of the town where such justice, police justice or magistrate resides, and such overseer of the poor shall and he is hereby authorized to prosecute and collect the same officially for the benefit of the poor of the town where such proceedings are had; and when any money shall have been collected by any such overseer of the poor or received by him under any of the provisions of this act, he shall, within twenty days after the collection or receiving thereof, make and deliver to the town clerk of the town where such proceedings are had, a report showing the amount of such money, and the names of the persons from whom the same was collected or received.

Moneys collected, report of.

§ 5. Section five of said act is hereby amended so as to read as follows:

Record.

§ 5. The said justice, police justice or magistrate shall keep a true and accurate record of the proceedings had before him, and such record shall contain the names of all persons arrested and brought before

him, and the substance of the charge made against them, and the names of all persons against whom warrants shall have been issued, and the substance of the charge contained in such warrants, and in case of conviction, a full statement of the sentence, and a full and correct account of the disposition of all persons brought before him and of all fines paid to him; and such justice, police justice or magistrate, shall pay over all fines so paid to him, to the overseer of the poor of his town, at least once in every six months, for the benefit of the poor of such town. And when any complaints are made to any such justice, police justice or magistrate, for the commission of any felony, it shall be his duty to reduce the same to writing, and cause the complainant to sign and make oath to the same; which complaint shall be filed and preserved by such justice, police justice or magistrate. Such record shall be kept open for inspection upon the demand of any person, at all reasonable hours.

Fines to
overseer
of poor.

Complaints
for felony.

§ 6. Section six of said act is hereby amended so as to read as follows:

§ 6. It shall be the duty of the sheriff of the county of Rensselaer, to convey all persons committed to the county jail of said county for more than two months by any such justice, police justice or magistrate, to the penitentiary of the county of Albany, forthwith after being so committed to such jail.

Commitments to
Albany
penitentiary.

§ 7. Section seven of said act is hereby amended so as to read as follows:

§ 7. Whenever any examination shall be had before any such justice, police justice or magistrate, of any person charged with a felony, such justice, police justice or magistrate, shall have the same power to adjourn such examination, and to take bail for the appearance of the prisoners on the day or days to which such examination shall be adjourned, as is hereinbefore provided in cases of trial; and such justice, police justice or magistrate, shall be entitled to the same fee as hereinbefore provided.

Examinations for
felony.

§ 8. All acts and parts of acts inconsistent herewith, are hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 391.

AN ACT in relation to the inspection and running of steamboats on Chautauqua lake.

Passed May 24, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. On and after the passage of this act, steam navigation on Chautauqua lake, shall be under the superintendence and control of a board of commissioners of navigation, to consist of Orville J. Jennings, Josephus H. Clark and Horatio G. Brooks, and their successors in office, who shall have power and whose duty it shall be to inspect all steam vessels carrying passengers for hire on said lake, their engines, boilers, machinery and equipments, at least once in each year, and also to examine all captains, chief mates and engineers, as to their fitness for their respective positions, and report the result of such inspection and examination in writing as hereinafter provided.

Commissioners to
superintend
steam
navigation.

Terms of
office.

Vacancies.

Inspection
of vessels.

§ 2. Within thirty days after the passage of this act, said commissioners shall meet and decide by lot or otherwise who of them shall hold for three years, who for two years, and who for one year, and the terms of office of each shall expire as so designated, and shall select one of their number as chairman. Vacancies in the office of commissioners by death, resignation, expiration of term, or otherwise, shall be filled by the county judge of said county, by an appointment under his hand and seal of his court, and filed in the clerk's office thereof; and said commissioners shall inspect all steam vessels on said lake, used in the carrying of passengers for hire on said lake, and shall satisfy themselves that every such vessel so inspected, is of a structure suitable for the service in which she is employed, and is in a condition to warrant the belief that she may be used in the navigation of said lake with safety to life, and that all the requirements of this act in regard to pumps or fire extinguishers, boats, life preservers or floats, lights, and all other requirements are faithfully complied with. They shall also fix the maximum number of passengers which each steam vessel shall carry at any one time, and if they deem it expedient, may direct the vessel to be put in motion, or may adopt any other suitable means to test her sufficiency, and that of her equipments. They shall also inspect the boilers of all such vessels, and shall, by thorough examination and such tests as they may deem expedient, satisfy themselves that they are well made of suitable material, and properly constructed to insure safety, and fix the maximum working pressure which such boilers may carry. They shall also see that all connections to the boilers and engines are of suitable material, size and construction, and that the boiler, machinery and appurtenances are such as may be employed in the service performed with safety. They shall also satisfy themselves that the safety-valves are of suitable dimensions, and that the weights of the same are properly adjusted, so as to allow no greater pressure than the maximum amount prescribed by them, and that there are a sufficient number of gauge-cocks properly inserted to indicate the quantity of water, and suitable steam gauges that will correctly show the amount of steam carried, and as to any other matter connected with said steamboat or the machinery thereof that to said commissioners shall appear necessary to the safety of passengers.

Licenses.

§ 3. When the inspection of such vessel, machinery and equipments is completed, and the commissioners approve the vessel, boiler, machinery and equipments and fixtures throughout, they shall make and subscribe duplicate licenses, authorizing said vessel to be used for one year, and deliver the same to the captain or person in charge of such vessel, certifying to such approval, in which shall be stated the maximum working pressure which shall be allowed in her boiler, the maximum number of passengers which she shall be permitted to carry at any one time, the number and size of boats and number of life-preservers or floats which she shall be required to carry, one of which certificates shall be retained by the captain of such vessel, and the other shall at all times, while such vessel shall be employed in carrying passengers, be kept posted in a conspicuous place in a vessel where it will be most likely to be observed by passengers. If the commissioners refuse to grant such certificate of approval, they shall make a statement in writing, giving their reasons for disapproving, and deliver the same to the person applying for such examination.

Unlicensed
vessels.

§ 4. On and after the passage of this act, whoever shall use any unlicensed steam vessel on Chautauqua lake in the carrying passengers for hire as provided in this act, or whoever shall permit the same to be

used, or shall act as captain, chief mate or engineer thereof, shall be liable to the penalty hereinafter prescribed for each offense, to be sued for and recovered as hereinafter provided.

§ 5. The said board of commissioners shall, upon application, license captains, chief mates and engineers of all steam vessels carrying passengers for hire on Chautauqua lake. And it shall be unlawful to employ any person, or for any person to serve as captain on any such vessel, without having first obtained from said board of commissioners a license, either as captain or chief mate. And it shall be unlawful to employ any person, or for any person to serve as engineer on such vessel who is not licensed by said board as a competent engineer; any person violating this section shall be liable to a penalty of fifty dollars for each offense, to be sued for and recovered as hereinafter provided.

Captain's
license.

Unlicens-
ed per-
sons.

Penalty.

Examina-
tions.

Revoca-
tion of
license.

Licensing
engineers.

Revoca-
tion.

Fire extin-
guishing
appara-
tus.

§ 6. Whenever any person applies to be licensed as captain or chief mate of any such vessel as above provided, the commissioners shall satisfy themselves as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life and character are such as to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, they shall grant him duplicate certificates, under their hands, authorizing him to discharge such duties on any such vessel for the term of one year. But such license shall be suspended or revoked by such commissioners upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any of the provisions of this act.

§ 7. Whenever any person shall apply to said commissioners for authority to perform the duties of engineer of any steam vessel to be used on said lake for the carrying of passengers for hire, the board shall examine the applicant as to his knowledge of steam machinery and his experience as an engineer, and also the proofs which he produces in support of his claim, and if upon full consideration they are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer are such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such station, they shall grant him duplicate certificates under their hands, authorizing him to be employed for the term of one year, one of which certificates shall be retained by him and the other delivered to the captain or owner of such vessel, who shall place the same in a conspicuous place in the vessel where it will be most likely to be observed by the passengers, and there kept at all times. But such license shall be suspended or revoked by such commissioners upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any of the provisions of this act. Whenever complaint is made against any such licensed engineer that he has, through negligence or want of skill, permitted the boiler or boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of said board of commissioners, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer.

§ 8. Every steamer on Chautauqua lake, permitted by her certificate to carry one hundred passengers or upwards as hereinbefore provided, shall be provided with a good double acting steam fire pump or other equivalent apparatus for throwing water, the same to be at all times during the navigation of said vessel kept ready for immediate

use, having at least one hundred feet of hose of suitable size and of sufficient strength to stand a pressure of at least seventy-five pounds to the square inch, or in lieu thereof to be provided with such number and kind of good and efficient portable fire extinguishers as in the judgment of the commissioners may be necessary to protect the vessel from fire.

• **Life boats.** § 9. Every licensed vessel navigating said lake of the burden of fifty tons or upwards shall have at least one good substantial boat, and as many more as shall be required by said commissioners, with lines attached, and properly supplied with oars and kept in good condition, and at all times to be ready for immediate use, which boat shall be of such dimensions as said board shall determine, and be carried on said vessel in the most convenient manner to be brought into immediate use when required.

Life pre-servers. § 10. Every licensed steam vessel, carrying passengers for hire on said lake, shall at all times, while in use for that purpose, be provided with at least one-fourth as many life preservers or floats as the maximum number of passengers which such vessel is permitted to carry, and as many more as said commissioners shall require, which life preservers or floats shall possess a buoyancy of at least eighteen pounds each, which shall be kept in a convenient and accessible place on such vessel in readiness for immediate use in case of accident.

Lights. § 11. All steam vessels carrying passengers for hire on said lake, as above provided, shall at all times between sunset and sunrise, while under way, carry in the starboard side a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and on the port side a red light of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side lights shall be fitted with inboard screens, or otherwise, so as to prevent them from being seen across the bows.

Sailing rules. § 12. From and after the passage of this act the following sailing rules shall be observed in navigating all steam vessels on Chautauqua lake, carrying passengers for hire:

1. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

2. If two vessels under steam are crossing, so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way of the other.

3. Every steam vessel, when approaching another vessel or boat of any kind, so as to involve the risk of collision, shall slacken her speed, or, if necessary, stop and reverse, and in case of a fog so dense that such steam vessel could not be seen for at least one-half mile, she shall slacken her speed, and sound her whistle every five minutes.

4. A vessel overtaking another vessel, shall keep out of the way of the last mentioned vessel.

5. In construing or obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may

exist, rendering a departure therefrom necessary in order to avoid immediate danger.

§ 13. The commissioners under this act shall each receive a compensation of ten dollars per day for every day employed in the business of the commission, to be paid by the parties applying for their services, in proportion to the time occupied for them respectively. Compensation of commissioners.

§ 14. Whenever the motion or headway of the vessel is slackened or stopped, the safety-valve shall be opened so that the steam shall be kept down as* practicable to the amount usually required to run the same.

§ 15. For each and any violation of the provisions of this act the owner or owners, captain and engineer shall be jointly and severally liable to pay a penalty of fifty dollars for each provision so violated, to be sued for and recovered as hereinafter provided. Violations.

§ 16. All steamboats aforesaid when landing or lying at docks or wharfs or other landing places shall conform to such rules and regulations as said commissioners may prescribe.

§ 17. The several penalties of this act may be sued for and recovered before any justice of the peace of Chautauqua county, or in any court of record having cognizance of the same, by, or in the name of any person making complaint thereof, or by, or in the name of any of the superintendents of the poor of the county of Chautauqua, and if sued for in the name of such superintendents, the penalty, when collected, shall be paid one-half to the complainant, and one-half to the superintendents for the benefit of the poor of said county. If sued for in the name of the complainant, he shall give satisfactory security, at the time of commencing his action, for the payment of all costs in the event of failure to recover, and in case of recovery the judgment thereof, when recovered, shall belong and be payable one-half to said complainant, and one-half to said superintendents of the poor. Actions for penalties.

§ 18. This act shall take effect immediately.

Chap. 392.

AN ACT to amend an act entitled "An act to incorporate the village of Springville," passed April eleven, eighteen hundred and thirty-four.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to incorporate the village of Springville," passed April eleventh, eighteen hundred and thirty-four, is hereby amended so as to read as follows:

SECTION 1. All that district of country in the town of Concord and county of Erie, designated as lots number two, three, eight and nine, in the sixth town and sixth range of townships, according to a map and survey made for the Holland land company by Joseph Ellicott, surveyor shall hereafter be known and distinguished by the name of the village of Springville. Boundaries.

§ 2. The inhabitants resident within the present boundaries of the village of Springville, town of Concord, in the county of Erie, are Incorporation.

* So in the original.

hereby declared to be * corporation, and shall hereafter be known in law by the corporate name and style of the village of Springville, and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law and equity, and make and use a common seal, and alter the same at pleasure; and shall also have the power to purchase, hold and convey such real* personal estate as the purposes of the corporation may require.

Separate
road dis-
trict.

§ 3. The said village shall be exempt from the superintendence and control of the commissioners of highways of the town of Concord, and it is hereby declared to be a separate road district under the control of the trustees of the village. The streets, avenues and highways within the above named limits shall be public highways and under the control of the trustees of the village.

Officers.

§ 4. The officers of the village to be elected hereafter shall consist of a president, and five trustees, a treasurer, a collector, and a police justice, all of whom shall be elected annually by ballot by the electors of said village and the said officers shall hold their offices for the period of one year.

Annual
election.

§ 5. The annual election shall be held on the second Tuesday of April in each year, from the hour of eleven o'clock in the forenoon until three o'clock in the afternoon, during all of which time the polls shall be open. Notices of all elections of the elective officers of said village, shall be given by the board of trustees or their clerk, at least ten days before the election, by posting the same in at least five public and conspicuous places in the village, and by publishing in all the newspapers in said village, where the polls will be held, the day and hours of holding the election. The trustees of said village shall act as inspectors of all elections under this act, and it shall be the duty of all such trustees to attend for that purpose, but an election held before any one or more of them shall be valid. Immediately after closing the polls the inspectors shall proceed to canvass the votes taken at such election, and shall openly declare the result, and shall make and subscribe a certificate of the canvass, which shall show the whole number of votes cast, and the number given for each person voted for. The persons eligible and having the greatest number of votes, shall be declared duly elected. In case two or more persons who may be eligible shall have an equal number of votes, the inspectors shall forthwith determine, by lot, which shall be deemed elected, and in such case the facts shall be set forth in the certificate of the canvass; the certificate shall be filed with the clerk of the board of trustees within two days after the election, and remain a public record of the village.

Qualifica-
tion of
voters.

§ 6. Every inhabitant residing in the village thirty days previous to the election, and who possesses the qualifications necessary to entitle him to vote at town meetings, shall be qualified to vote for the officers to be elected.

Chief en-
gineer of
fire de-
partment.

§ 7. The trustees shall by ballot elect a clerk of the board, and a street commissioner, who shall respectively be residents and legal voters of the village, and shall respectively hold their offices during the pleasure of the board. The trustees may appoint, if in their judgment necessary, each year, a chief engineer of the fire department, one or more assistants, and one or more fire wardens.

§ 8. The inspectors of election presiding at any election, or the clerk

* So in the original.

of the village, shall, within five days after such election, notify the persons elected of their election.

Notification of election.

§ 9. Every person elected or appointed to office under this act, who shall neglect to file the oath of office hereinafter required for five days after personal notice in writing, from the inspectors of election, or the village clerk, of his election or appointment, shall be deemed to have declined the office, and his place may be filled as in case of a vacancy.

Neglect to qualify.

§ 10. No person shall be eligible to any office unless he shall be at the time a resident and elector of the village, and whenever any officer of the village shall cease to be a resident thereof, his office shall become vacant.

Eligibility.

§ 11. No person shall be eligible to the office of president or trustee unless owning property liable to be assessed for the expenditures of the village.

§ 12. If there shall be a vacancy in any office under this act, the board of trustees may fill the same.

Vacancies.

§ 13. The treasurer, collector and police justice, and such other officers as may be required by the board of trustees, shall severally before they enter upon the duties of their respective offices, execute and file with the village clerk a bond to the village, in such a sum and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices and account for and pay over all moneys received by them respectively.

Officers to give bonds.

§ 14. The several officers under this act shall each before entering upon their duties, take and file with the clerk of the village, the oath of office provided by the Constitution.

Oath of office.

§ 15. It shall be the duty of the president to preside and vote at all meetings of the board of trustees, and in case of an equal division upon any question the same shall be deemed lost. It shall be his duty also to see that all the laws, ordinances, rules and regulations, resolutions and by-laws of the board of trustees are faithfully executed and enforced, to receive complaints of any breach or violation thereof, and to prosecute in the corporate name all offenders against the same, and for all penalties, fines and forfeitures incurred by reason of any such breach or violation; to keep the corporate seal, to inspect the property of the corporation, and see that the same is properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees. He shall be chief of police of the village, and as such shall have the supervision and direction of all policemen and watchmen that may be appointed by the board of trustees.

Duties of president.

§ 16. The police justice shall have power to hear and determine all cases coming under or arising in consequence of any alleged violations of the village ordinances; and said police justice shall have power to take affidavits and certify to the same, to grant warrants of arrest and warrants of commitment to the county jail, and his compensation shall be the same as that of justice of the peace for like services.

Police justice.

§ 17. The clerk of the board of trustees shall have the custody of and safely keep all the books, papers and records belonging to the corporation, and all public records of the village, under the direction of the board of trustees, which books, papers and records shall at all times be open for inspection by the inhabitants of the village. He shall attend all meetings of the board of trustees, and keep a faithful record of their doings. He shall attend to the publication of all laws, rules, ordinances, by-laws, notices and other matters as the board may direct. He shall attend all elections under this act, and keep a correct poll list

Clerk of trustees.

thereat. He shall notify the trustees of all special meetings duly called, and perform such other duties as the board of trustees may from time to time lawfully require of him. In case of the absence of the clerk from any meeting or election at which he is required to officiate, his duty on such occasions shall be performed by such persons as the board of trustees may direct.

Treasurer.

§ 18. The treasurer shall receive and safely keep all moneys belonging to the corporation, and disburse the same only upon warrant specifying on what account the same is drawn, subscribed by the president and countersigned by the clerk of the board. He shall make and keep a correct record and account of all such receipts and disbursements; he shall prepare and report to the board of trustees, at their last meeting in each year, an account of the state of the finances of the corporation, and of the receipts and disbursements during the year, which account shall be duly audited by the board or under their direction, and at any time, when required by the board of trustees, he shall furnish them such statement in regard to the finances, receipts, disbursements, dues and demands of the corporation as may be called for by the board of trustees. The books, vouchers and accounts of the treasurer shall at all times be open to inspection by any of the trustees or by the clerk of the board.

Collector.

§ 19. The collector shall collect and receive all taxes and assessments for which the warrant of the board of trustees, sealed with their corporate seal and subscribed by the president and countersigned by the clerk, shall be delivered to him, and within the time specified in such warrant, and shall pay the same into the hands of the treasurer without delay; for the purpose of collecting such taxes or assessments, the collector shall possess the same powers and proceed in like manner, and be entitled to demand and receive the same compensation as collectors of taxes in towns, except as otherwise provided by the board of trustees.

Street commissioner.

§ 20. The street commissioner shall, under the direction of the board of trustees, exercise a general superintendence over the roads, avenues, street and public places of the village, superintend all public improvements made therein, and cause all obstructions, incumbrances and nuisances to be removed therefrom, and report to the president all infractions of laws and ordinances of the board of trustees relating to the same, and shall perform such other duties as the board of trustees may from time to time prescribe.

Compensation of officers.

§ 21. The trustees, respectively, shall not receive any compensation for their services, but the trustees may make such reasonable compensation for the clerk, treasurer, collector, street commissioner and other subordinate officers of the corporation for their respective services as the board may from time to time deem meet, but such compensation to the treasurer shall not exceed one per cent. upon the credit of his accounts for receiving and paying out the same.

Transfer of moneys, etc.

§ 22. In case any person having been an officer of the corporation shall refuse or neglect to deliver to his successor in office, within ten days after notification and request, all moneys, books, papers, records, property and effects of every description in his possession or under his control belonging to the corporation or appertaining to his office, he shall forfeit and pay for the use of the corporation the sum of twenty-five dollars for each and every day he shall so neglect or refuse, and also all damages caused by such refusal or neglect, and be subject to such summary proceedings as are provided by law as to public officers.

TITLE II.

SPECIAL POWERS AND DUTIES OF THE BOARD OF TRUSTEES.

§ 1. The board of trustees shall meet at such time and place in the village as they shall by resolution direct. Special meetings may be called by the president or by the clerk on the written request of two trustees, which notice shall state the time of meeting, and shall be served at least one hour before the meeting. Meetings
of trust-
tees.

§ 2. In the absence of the president, the trustees may choose a president pro tem. who shall perform all the duties of the president, and a majority of the board shall constitute a quorum for the transaction of business. President
pro tem.

§ 3. The trustees shall have the care, management and control of the finances and property, and custody of the records and papers belonging to the corporation, and may keep all buildings and other property of the corporation in repair and insured against damage or loss by fire. The trustees shall have power as to acts and matters within the corporate bounds to make, publish, amend and repeal the rules, ordinances and by-laws for the following purposes: Control of
finances.

Ordinan-
ces.

1. To declare and define the duties and manner of discharging the same, of all officers of the corporation, whose duties are not specially prescribed by this act, and to add to the duties of those officers whose duties are thus prescribed if the board of trustees deem necessary, and to fix the compensation of such officers if not fixed by this act. Officers'
duties.

2. To prevent vice and immorality, to preserve the public peace and order, to restrain and suppress disorderly houses and houses of ill-fame or of assignation, gaming houses, and instruments and devices for gaming. Vice.

3. To establish and maintain a police not exceeding four in number, who shall respectively have and exercise all the powers of constables, and shall execute all lawful orders of the president, to appoint watchmen from time to time, to organize such temporary bodies of police as the interest of the village may require, and cause all disorderly persons, mendicants, common prostitutes and impostures to be apprehended and punished, to protect the inhabitants in their peace and property, and generally promote the welfare and good government of the corporation. Police.

4. To erect or procure and maintain a lock-up or designate a place for the detention and confinement of persons arrested under this act or for any offense against any by-law, rule or ordinance. Lock-up.

5. To employ an attorney for the transaction of any matter requiring legal skill. Attorney.

6. To prevent incumbering the streets, squares, sidewalks, cross-walks, lanes and alleys with any material whatever. Streets.

7. To prevent or regulate any encroachment or the erection of any projection from or opposite of any building, in or over or upon any of the streets or sidewalks, and cause the same to be removed at the expense of the owner or occupant of the premises. Side-
walks,
etc.

8. To establish and maintain a public pound and appoint a keeper thereof, and to regulate his compensation and fees. Pound

9. To restrain the running at large of horses, cattle, sheep, swine or other animals, and to authorize the distraining, impounding and sale of the same for the penalty and costs of keeping and proceeding. Animals
at large.

10. To protect and preserve property at fires, and to prevent fires. Fires.

11. To regulate and prevent any act, amusement or practice endangering property or person on the streets, sidewalks or public grounds. Amuse-
ments.

- Dogs.** 12. To prevent and regulate the running at large of dogs in the village.
- Trees and sidewalks.** 13. To protect trees, provide for keeping sidewalks free from snow, ice, dirt and other obstructions, and to direct and compel the cleaning of the streets by the persons owning or occupying the premises fronting thereon.
- Swimming.** 14. To regulate swimming and bathing in the waters within and bounding the village.
- Riding.** 15. To prevent immoderate riding or driving within the corporate limits, leaving horse untied in the streets, and to authorize any officer to stop any one guilty of such riding or driving in the streets.
- Slaughter-houses.** 16. To regulate the location of all butchers' slaughter-houses and places where animals may be slaughtered by them, and to prohibit the slaughtering thereof elsewhere in the village.
- Nuisances.** 17. To compel the removal and abatement of any public nuisance, and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien upon the lot on or in front of which it was, and to enforce the collection of such expense by leasing the premises in the manner provided by this act for the collection of unpaid taxes, or by action against the owner or occupant of such lot, or any other person who may maintain or control such nuisance.
- Exhibitions.** 18. To prohibit or regulate all exhibitions or performances for money, or hire, or authorize the same on such terms as the trustees shall deem expedient.
- Peddling.** 19. To restrain and prevent hawking and peddling in the streets, to regulate, restrain, or prohibit sales by auction, and grant licenses to auctioneers.
- Roads.** 20. To keep the roads, avenues, streets, lanes, public buildings, and public places of the village in good repair, order, and condition; to construct sewers, culverts, and drains; to make and repair all bridges which may be necessary within the bounds of the village; to regulate and prescribe the width, line and grade of all new streets, avenues, and sidewalks of every kind; to plank crosswalks and sidewalks; to lay out and open new roads and streets, or otherwise improve the roads, avenues, streets, and sidewalks within the corporation; to prevent and
- Fire-arms.** punish the discharge of fire-arms, rockets, gunpowder, and fire-works in the roads, streets, and public places of the village.
- Ordinances.** 21. The board of trustees shall have power to make and establish all legal by-laws, rules and ordinances necessary to carry out the purposes of this act, print and pay for the same and to enforce such by-laws, rules and ordinances, and to pay the expenses of such enforcement out of the corporate funds; the trustees shall also have power to prescribe penalties for a violation thereof, not exceeding one hundred dollars for each offense, but all such rules, by-laws and ordinances shall be printed, and posted in three public places in the village, ten days before they shall take effect, and all such fines and penalties received for violation of such rules, by-laws or ordinances, shall be paid into the hands of the treasurer of the village, to be used to pay the ordinary expenses of the village.
- Public health.** 22. The trustees may, and it shall be their duty to take precautionary measures to guard the public health in time of infectious and pestilential diseases, and to provide against them, when they appear in the village, by providing places for the removal of persons having such disease from the populous parts of the village, and to pay the expenses incident to such removal; they shall have the power to remove such

persons, and they shall have power to appoint one or more health commissioners who, with the president, shall constitute a board of health of the village; and such board of health shall possess the powers conferred by, and be subject to, the provisions of the laws of the State of New York in relation to public health.

23. The trustees shall audit all accounts and claims against the village, and no account or claim shall be paid unless allowed by them or after judgment obtained thereon. Audit of claims.

24. The trustees are empowered to give names to the streets, roads, avenues and public places in the village. Naming streets.

25. The board of trustees shall have power, and it shall be their duty, to raise, annually, by taxation upon the taxable inhabitants of the village, and the property therein liable to taxation, such a sum of money as they shall deem proper, but not to exceed in one year an amount equal to one-quarter of one per cent. of the value of the taxable property in said village of Springville, except as hereinafter provided, to be ascertained by the last assessment roll of said village; said money so, as aforesaid, to be raised and expended in carrying into effect the several powers and privileges granted and conferred by this act. General taxation.

26. The trustees shall have the power to raise money for any specific purpose by assessment and tax, by submitting a resolution stating the amount and the specific object for which the same is to be raised to the legal electors in said village entitled to vote on such questions, at any annual election or special election called for that purpose; provided such resolution shall receive a majority of all the votes cast at such election. Such resolution shall be posted in five conspicuous places, and published at least once in all the newspapers published in said village, at least ten days previous to such annual or special election; and the manner of holding all special elections and the hours during which the polls shall be open shall be the same as provided for in section five, title one of this act. Specific taxation.

27. No person shall vote at any such meeting upon the question of raising any such tax unless he shall be qualified to vote for village officers in said village, and shall own property liable to be assessed for taxes therein. Qualification of voters.

28. The trustees or a majority of them shall act as assessors of the village, or may appoint of their number a committee of not less than three for that purpose; and the trustees so acting as assessors shall have the powers of town assessors and be subject to the laws applicable to the same, subject to the provisions of this act. Assessors.

29. The trustees whose duty it shall be by this act to act as assessors, must within sixty days after the annual meeting, proceed to assess upon the taxable inhabitants, corporations and property liable to assessment and taxation within the village, such sum as they may deem necessary besides the funds received and estimated to be received from other sources, to defray the expenditures of the village for the current year, not to exceed the amount fixed for that purpose by subdivision twenty-six, title two of this act. They shall also, within sixty days after any specific amount shall have been voted to be raised by the legal electors at a special or annual election, proceed to assess the amount as hereinbefore provided. The trustees shall, within sixty days after the annual election, estimate and assess the highway labor to be performed in said village the ensuing year. Assessment.

30. The trustees acting as such assessors shall, on completing the assessment roll, give ten days' notice, by posting notices in five public places in the village, stating that they will, at a time and place pro- Correction of assessment.

vided in said notice, meet to hear and determine all complaints as to such roll. They shall have power and authority at such time to correct such roll in such respect, as to them shall seem necessary and proper, and after the roll shall have been thus submitted and corrected, they shall file the same or a copy thereof, with the clerk of the village.

Unpaid assessments.

31. All taxes or assessments which shall remain unpaid, for thirty days after the final return of said warrant, shall bear interest at the rate of ten per cent. per annum, from and after the date of such return, and shall be collected as directed herein, either by sale of the estate assessed as herein provided or by suit against the party liable to pay such assessment or tax, and in any such action the assessment or tax roll shall be prima facie evidence of the right to recover such tax and interest as aforesaid.

Collections.

32. When any person whose property or estate shall be assessed or taxed shall fail to pay the tax or assessment, and the collector cannot collect the same and shall make return thereof, the trustees shall cause the estate so assessed to be sold at auction for a term of time for the payment of such tax or assessment, giving four weeks' notice of such sale by putting up notices in five public places in the village and serving personal notice on the owner or agent of said estate if a resident of said village, or on the occupant thereof, and by depositing such notice in the post-office directed to such owner, if a non-resident, at his reputed place of residence, if known, at least ten days before the day of sale, and the same shall be sold to the person who shall take it for the shortest time for the payment of such tax or assessment with interest at seven per cent. and the expense of such notice and sale; before the time of sale the property liable for the tax, or the legal representative of the same, may avoid the sale by paying the tax to the treasurer with ten per cent. interest thereon and expense of notice and sale.

Redemptions.

33. At any time within one year after such sale the owner or owners of the estate, or their representatives, may redeem the same by paying to the purchaser thereof (if he shall have paid the tax and interest and expense of sale), the tax expenses and interest thereon, and ten per cent. per annum from the date of the payment by the purchaser, in case the purchaser has not so paid them, by paying to the treasurer of the village the tax, expense of sale and interest at ten per cent. per annum from the time the tax was returned unpaid, and notifying the clerk of such payment; if such tax, expenses and interest are not paid within one year from the date of sale, then the trustees shall deliver to the purchaser of the estate, a certificate of such sale under the seal of the corporation and signed by the president, the execution of which, may be acknowledged or proved as a deed, and upon receipt of such certificate the purchaser may proceed to serve upon the holder or owner of any lien upon such estate or any part thereof, notices in writing of such sale, and that unless redeemed within six months from the time of such service of notice, such certificate may be recorded in like manner and with like effect as in the case of other conveyances of real estate. Such certificate shall be presumptive evidence of the statements contained therein in all courts and places, actions and proceedings.

Rights of purchaser.

34. The purchaser receiving such certificate, or his representatives, may, in case the land is not redeemed as herein provided, enter into and occupy the same during the term for which it was sold, and shall be at liberty, within the term aforesaid, to remove all the buildings and materials which he may erect or place thereon.

Suits.

35. In actions brought by or against the village it shall not be an objection against the person acting as justice or juror in any such

action that he is a resident of the village or subject to taxation therein.

36. The board of trustees shall cause to be kept a record of its proceedings; all votes shall be taken by ayes and noes when required by one of the trustees, and shall be entered in such record, and such record shall contain the names of the members of the board present and voting on any question, and the affirmative and negative votes of the members so voting. Records.

37. Every ordinance, by-law, rule, resolution or proceeding of the board of trustees may be read and received in evidence in all courts of justice and in all places and in all actions or proceedings, either from the original record kept by the clerk of said village or from a copy of such ordinance, by-law, rule, resolution or proceeding certified under the corporate seal by the clerk, or from any printed volume containing any such ordinance, by-law, rule, resolution or proceeding, with the certificate of the clerk that such volume contains a correct copy of such ordinance, by-law, rule, resolution or proceeding, and that the same was printed under authority of the board of trustees. Ordinances as evidence.

38. All persons found intoxicated in the streets of the village, or persons who shall be guilty of noisy, riotous or tumultuous conduct, disturb the quiet and peace of the village, or of any meeting or assembly therein; all persons who shall willfully give a false alarm of fire; all persons who shall publicly use any profane, vulgar or obscene language or conduct in any street or public place in said village; all persons who shall willfully and maliciously break, mar, injure, remove or deface any building, fence, awning, sign, sign-board, tree, shrubbery or other ornamental thing in said village; all persons who shall remove from or pile up before any door, or on any sidewalk or street, boxes, casks or other things, for the purpose of annoyance or mischief, or who shall willfully tear down, destroy or mutilate any notice or handbill lawfully posted up in said village; all persons who shall incite or induce dogs to fight in any of the streets or public places in said village; all persons who, at the time of any fire in said village, shall be guilty of any insubordination or of any disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or shall willfully neglect or refuse to obey or attempt to prevent or obstruct the execution of the orders of the trustees or officers of the fire department, shall be deemed, and are hereby declared, to be disorderly persons under this act, and under any rule, by-law or ordinance adopted in pursuance thereof for the punishment of disorderly persons. Disorderly persons.

39. Any trustee or any police constable is hereby authorized to arrest any vagrant or disorderly person, with or without process, and take him or her forthwith before the proper officer. If such officer cannot be found, the persons arresting may detain the person arrested, not to exceed twenty-four hours, until the proper officer to try such person is found. Arrests.

40. Nothing in this act giving the board of trustees of the said village of Springville power to make and repair bridges within the village bounds, or making them commissioners of highways, or making the territory of the said village a separate highway district, subject to the board of trustees alone, shall be construed as divesting the commissioners of highways of the town of Concord of power or control of any bridge, or as relieving said town of Concord from the expense of constructing or repairing any bridge within the territorial limits of said Bridges.

village of Springville; in case the board of trustees of the said village shall think proper to construct or repair, or shall construct or repair, any bridge within the corporate limits, then the expense of such expense* of such work shall be a charge on the taxable property of the said village, and be paid out of the corporate funds.

Act takes
effect.

§ 4. The provisions of this act, so far as they conflict with act passed April eleventh, eighteen hundred and thirty-four, entitled "An act to incorporate the village of Springville," shall not take effect until after the annual election in said village, in the year eighteen hundred and seventy-seven.

Chap. 393.

AN ACT to amend chapter ninety of the laws of eighteen hundred and seventy, entitled "An act in relation to the manual labor school upon the Tonawanda reservation."

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter ninety of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

§ 6. Section eight of chapter six hundred and fifty-one of the laws of eighteen hundred and sixty-nine is hereby amended so as to read as follows:

Superin-
tendent of
buildings.

Compen-
sation.

§ 8. The said trustees may appoint one of their number to superintend the construction of the buildings contemplated by this act, and such superintendent shall be paid three dollars per day for each day's service actually performed, such payments not to exceed three hundred dollars, which sum is hereby appropriated for such purpose, but no expenses shall be incurred under this act after one year from its passage.

§ 2. This act shall take effect immediately.

Chap. 394.

AN ACT to further amend the act entitled "An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school," passed April sixth, eighteen hundred and fifty-nine.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school," passed April sixth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Bounda-
ries of
district.

§ 1. All that part of the town of Clarkson, in the county of Monroe, known as lots seven, eight, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty and twenty-one, and the north

* So in the original.

half of lots twenty-two and twenty-three in section five, township four of the triangular tract; that part of lots one and two and the north-east part of lot six, all in section six of the same town, and lately owned by Theodore Downs, and now owned by John F. Hamlin; lots seven and eight in section six and lot one (the farm now occupied by Samuel C. Perry), lots two, seven and eight in section ten, and lot seven and the west and middle parts of lots two and three, to the east line of the farm now occupied by Frederick Nellis in section thirteen, also lots nine and ten and the west half of lots eleven and twelve in section six in said township four, shall hereafter constitute a single school district, for the purpose hereinafter mentioned, and for the purposes of a common school, shall be known as school district number two, in said town of Clarkson; and all the lands within the boundary lines of said Clarkson high school district, as aforesaid, shall be taxed for the support of said high school.

§ 2. This act shall take effect immediately.

Chap. 395.

AN ACT for the protection and propagation of fish in the waters of Tonawanda creek, in Genesee county.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall, between the fifteenth day of February and the fifteenth day of May in each year, kill or take, by any device ^{When prohibited.} whatever, any fish in or from any of the back waters, spawning beds, or tributaries to the Tonawanda creek, within the county of Genesee, under a penalty of ten dollars for each and every fish.

§ 2. No person shall catch or take, by any device whatever, from the Tonawanda creek, within the county of Genesee, any fish of any species ^{Fish for propagation.} or kind that has been placed within the said creek for the purpose of propagation, until after the expiration of three years from the first introduction of such fish, under a penalty of ten dollars for each fish taken.

§ 3. No person shall, within the county of Genesee, catch or take from the waters of Tonawanda creek any fish whatever, by any device, ^{Fishing prohibited, except by line, etc.} except by the rod and line, known as angling, by the hand line, known as bottom fishing, and by the troll, until after the expiration of five years from the date of the passage of this act, under a penalty of ten dollars for each fish so taken; but this law shall not apply to the taking of suckers by the dip-net, or the taking of small fish called minnows for bait.

§ 4. The penalties for the violation of this act shall be recovered ^{Penalties.} before a justice of the peace of said county of Genesee, who shall issue his warrant for the arrest of the offender, upon the complaint duly verified by any informer, and who, in default of payment of said penalty, shall commit the offender to the county jail for a term of not less than ten or more than thirty days. The said penalty or penalties in each case when collected, shall one-half be paid to the overseer of the ^{To whom paid.} poor of the town, to the credit of the poor fund of the town in which the offense is committed, and one-half to the informer.

§ 5. This act shall take effect immediately.

Chap. 396.

AN ACT to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," so as to exempt Chautauqua lake from certain provisions of said act.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter seven hundred and twenty-one of the laws of eighteen hundred and seventy-one, entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish," as amended by chapter two hundred and seventy-seven of the laws of eighteen hundred and seventy-five, is hereby amended so as to read as follows:

Wild fowl. § 4. No person shall sail for any wild fowl, or shoot at any wild goose, brant or duck, from any vessel propelled by steam or sails, or from any boat or other structure attached to the same, under a penalty of ten dollars.

§ 2. This act shall take effect immediately.

Chap. 397.

AN ACT to legalize the action of the board of supervisors of the county of Niagara concerning the duties and compensation of the superintendent of the poor of said county, and to confer upon said board of supervisors further powers and duties.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of
board con-
firmed.

SECTION 1. The action of the board of supervisors of Niagara county at the annual session of said board in eighteen hundred and seventy-five, authorizing and instructing the superintendent of the poor of said county to move with his family to the poor-house and discharge the keeper on the first day of January, eighteen hundred and seventy-six, and in raising the salary of said superintendent two hundred dollars per annum, is hereby ratified, confirmed and legalized, and said superintendent of the poor is hereby authorized and declared to be the keeper of the poor-house of said county, and is hereby invested and charged with all the powers and duties of the office of keeper of the poor-house as now are or hereafter may be prescribed by law, the same to all intents and purposes as if said action of said board of supervisors had been taken subsequent to the passage of section one of this act.

Sup't poor
may reside
at poor-
house.

§ 2. It shall hereafter be lawful for any superintendent of the poor of the county of Niagara to reside at and be the keeper of the poor-house in said county, provided a majority of all the supervisors elected

in said county at a regular meeting of the board of supervisors of said county shall so direct.

§ 3. This act shall take effect immediately.

Chap. 398.

AN ACT to provide for the election and compensation of coroners in the county of Rensselaer.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be hereafter elected in the county of Rensselaer four coroners, who shall hold their office for the term of three years each. Number coroners.

§ 2. Two of such coroners shall reside at the time of their election, and shall continue to reside during the term of office for which they shall be elected, in the first Assembly district of said county; one of such coroners shall reside at the time of his election, and shall continue to reside during the term of office for which he shall be elected, in the second Assembly district of said county; and the other of such coroners shall reside at the time of his election, and shall continue to reside during his term of office, in the third Assembly district of said county. Residence.

§ 3. The coroners residing in the first Assembly district shall receive the annual salary of seven hundred and fifty dollars each, and the coroners residing in the second and third Assembly districts, respectively, shall receive the annual salary of three hundred dollars each. Said coroners shall receive no other fees, perquisites, allowances, or emoluments whatever, except such fees as are now allowed by law for the service of process upon the sheriff of the said county, than the salaries above mentioned. Salaries.

§ 4. The persons now holding the office of coroner in said county shall continue to serve for the terms for which they were respectively elected, and nothing herein contained shall be construed so as to affect their fees and emoluments as now allowed by law. Present coroners.

§ 5. No person shall be ineligible to the office of coroner in said county by reason of being an attorney and counsellor at law. Attorneys eligible.

§ 6. All coroners in the said county of Rensselaer who shall issue any subpoena shall designate in such subpoena the place of residence of each and every witness named therein, so far as the same shall be known to such coroner, and every coroner failing to insert the place of residence of any such witness in such subpoena so issued by him, when the same shall be known to him, shall be liable to a penalty of one hundred dollars. Residence of witnesses.

§ 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Chap. 399.

AN ACT to amend an act entitled "An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh," passed April twenty-one, eighteen hundred and seventy-one, as amended and extended by an act entitled as above, and to extend Highland avenue south to the State line, passed April twenty-four, eighteen hundred and seventy-two, as further amended by an act entitled as last above, passed April twenty-three, eighteen hundred and seventy-three.

Passed May 24, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION ONE. Section two of the act entitled "An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh," passed April twenty-one, eighteen hundred and seventy-one, as amended and extended by an act entitled as above, and to extend Highland avenue south to the State line, passed April twenty-four, eighteen hundred and seventy-two; and as further amended by an act entitled as last above act, passed April twenty-three, eighteen hundred and seventy-three, is hereby amended so as to read as follows :

Commiss-
sioners
appoint-
ed.

Vacancies.

Quorum.

Oath of
office.

Compensation.

Treasurer
to be ap-
pointed.

§ 2. Peter Voorhis, William L. Lawrence, William A. Shepard, William Voorhis, Richard D. Cantillon, William H. Whiton and Henry Brinkerhoff are hereby appointed commissioners with the powers, duties and authority conferred upon them by the several provisions of this act. In case of a vacancy by reason of the death, resignation, refusal to act, neglect to act or inability to act, of any or either of the said commissioners, the remaining commissioners, or such of them, not less than four, as shall act, shall have all the power and authority conferred by this act. A majority of the commissioners shall constitute a quorum to do all business, and shall have power to perform the duties herein specified or conferred, and to accept the resignation of any commissioner. Such commissioners before entering upon the duties of their office shall severally take and subscribe an oath before some person authorized to administer oaths, faithfully and impartially to perform the duties of said office; but no compensation or allowance whatever, except for actual and necessary expenses, shall be made to said commissioners, or either of them, for services performed under this act; and said commissioners, before entering upon their duties, shall appoint one of their number treasurer, who shall receive and pay out the money collected or received under this act; and as often as may be necessary by reason of the death or resignation of said treasurer, or inability of such treasurer to act, they shall appoint his successor; and

any treasurer so appointed shall, before entering upon the duties of his office, give security by a bond of said treasurer with two sureties, to the People of the State of New York, in the penal sum of ten thousand dollars, conditioned for the due and proper payment, by said treasurer, of all moneys so received by him, and to account for and pay over to his successor all moneys received by him; and which bond shall be duly executed and acknowledged, and shall be approved by the county judge, as to its form and manner of execution, and shall be filed in the office of the clerk of Rockland county, before said treasurer shall be authorized to receive or pay any money under the provisions of this act.

Bond.

Approval
and filing.

§ 2. Section twelve of said act is hereby amended so as to read as follows:

§ 12. If no appeal shall be taken from said report, or if said report shall be affirmed, or a second report shall be made as provided in the last section, the rights of all parties interested in the lands taken for said highway, or assessed for benefits or expenses as aforesaid, shall thereupon become fixed, and the several amounts so assessed to and upon each owner shall from that time become and be a lien on the respective parcels of land specified in such report, in respect to which such assessment shall be made. The amount of such entire assessment shall, as near as may be, be ascertained and determined, but may be collected from time to time in installments, as the work progresses, as hereinafter provided.

Rights of
parties.

And said commissioners are hereby authorized and directed to complete said avenue, and from time to time to collect, receive and discharge the assessments imposed by them therefor, and they are hereby authorized and empowered, as often as may be necessary, to issue a warrant in the form of collection warrants issued to collectors of taxes in towns in said county, which warrants shall be issued to a collector, to be appointed by said commissioners, to collect any such assessment or installment of the total assessment as aforesaid, as may remain unpaid after the expiration of thirty days from the time said assessment or installment shall be directed to be paid by said commissioners. And said commissioners shall appoint such collector, and shall have power to remove him from office for cause, and appoint a new collector in his place, as may become necessary, or fill any vacancy that may occur in said office of collector by reason of death or otherwise. And said commissioners shall require proper security of such collector for the faithful performance of his duties, and for the payment by him to said treasurer of all moneys collected by him, and may authorize the collection by him of his fees, at the same rate per cent. as allowed to town collectors on said assessments or installments, from the time the same was laid, in addition to the amount of said assessment or installment; and may fix the time when said collector shall make his return to them of all moneys collected by him; and said collector shall have the same powers for the collection of said assessments or installments by levy and sale of personal property, and be subject to the same duties in respect thereto, as town collectors; and the said commissioners may renew such warrant or issue a new warrant, as they shall deem best, from time to time, to said collector, for the collection of the assessments or installments then remaining unpaid. And said commissioners are hereby authorized to sell the lands assessed upon which the said assessments shall remain unpaid for the space of thirty days after the time for and the return by said collector of such warrant and renewal thereof, as may appear from the return of said collector, in the same manner as the Comptroller of the State is authorized to sell lands for the non-payment of assessments

Avenue to
be com-
pleted.Assess-
ments
therefor.

Collector.

Bond.

Fees.

Powers
and du-
ties.Renewal
of war-
rant.Unpaid
assess-
ments,
collec-
tion of,
etc.

Assess-
ments,
payment
of.

Redemp-
tion of
lands sold.

Certificate
of sale.

Pending
proceed-
ings.

for taxes except that the notice required to be given of such sale shall be published once a week for four weeks in the newspaper published in said county, in the town nearest the lands so to be sold, and shall be posted thirty days in three public places in said town where the lands are situated, instead of all notices as required to be given; and said commissioners may, upon such sales, and after the expiration of the time for redemption allowed by law, convey said lands and do each and every act and thing that the said Comptroller is authorized by law to do on sales for non-payment of taxes. Notwithstanding any default made by any person or persons in the payment of any such assessment, or installment of such assessment, the person or persons so assessed may, at any time thereafter, before the sale of the property so assessed, pay the amount of assessment, or installment of assessment so in default, with interest thereon from the time the same was payable, and the cost of advertising and posting the notice of sale, to the treasurer of said commissioners, and such payment shall prevent such sale; and in all cases of a sale of any land for non-payment of such assessment or installment, any owner or mortgagor of the land so sold, or any one in their behalf, may, at any time within one year after such sale, redeem said land from said sale by paying to the treasurer of such commissioners, or to the treasurer of Rockland county, the amount for which such land was sold, with interest thereon at ten per cent. per annum from the day of sale, and the costs of the proceedings for such sale, and upon such payment being made to the treasurer of said commissioners, or to the county treasurer, the said sale shall be null and void; and in all cases of sale of land by the commissioners for non-payment of assessments or of installments of assessments under this act, they shall give to the purchaser a certificate of such sale, specifying thereon the amount for which such sale was made, and shall also file a duplicate of such certificate in the county clerk's office, and, on such redemption being made as aforesaid, it shall be the duty of the said treasurer or county treasurer to whom the redemption money is paid, to give a certificate, and also to file a duplicate thereof in the office of the clerk of Rockland county, and thereupon such sale and certificate of sale shall be null and void; and in all cases where the redemption is made to the county treasurer, he shall forthwith pay over to the treasurer of said commissioners the moneys so received by him, less a deduction of one per cent. thereof for his fees. Nothing in this act contained shall be deemed or construed to interfere with any suit or other judicial proceeding pending at the time of the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 400.

AN ACT to amend chapter three hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act for the preservation of fish in Chautauqua lake."

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act for the preservation of fish in Chautauqua lake," is hereby amended so as to read as follows:

§ 1. No person shall kill or expose for sale or have in his or her possession any fish taken from Chautauqua lake between the first day of December and the first day of May without the permission of the Commissioners of Fisheries in writing and for the purpose of artificial propagation or the stocking of other waters. Fishing when prohibited.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. No person shall have in his or her possession upon the shores of, or on the ice or waters of Chautauqua lake, without the permission in writing of the Commissioners of Fisheries, any snare nets, stake-poles, fish houses, spears or other device, which can be used in taking fish, between the first day of December and the first day of May. Any fish house, spear or other device which can be used in taking fish, found upon the ice or water of said lake between the first day of December and the first day of May, are hereby forfeited to the State, and shall be destroyed by the sheriff or any constable of the county of Chautauqua; and any person violating the provisions of this section or the next preceding section, shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of twenty-five dollars for such offense; and in all prosecutions under this act the burden of proving the existence of a permission from the Commissioners of Fisheries, shall be thrown upon the defendant before it shall be of avail to him therein. Possession of fishing implements prohibited. Penalties.

§ 3. Section five of said act is hereby amended so as to read as follows:

§ 5. All judgments for penalties recovered in pursuance of the provisions of this act, with the interest thereon, may be collected and the payment thereof enforced by execution; and in case of failure by any person to pay the penalty imposed upon him pursuant to this act, he shall be committed to the common jail for a period of not less than ten days, and at the rate of one day for every dollar thereof when the sum exceeds ten dollars, and such imprisonment shall not be satisfaction for such judgment; but no person shall be but once imprisoned upon the same judgment. Any execution issued upon any such judgment against the body, shall recite the fact, or have an indorsement thereon to the effect that such judgment was recovered for a violation of this act. Collection of.

§ 4. This act shall take effect immediately.

Chap. 401.

AN ACT to confirm and legalize the acts of David Day, second, John B. Chandler and Thomas C. Mills, commissioners duly appointed pursuant to chapter eight hundred and eighty-eight of the laws of eighteen hundred and sixty-nine, to open and deepen Birch creek, in St. Lawrence county, and drain swamp lands, in making their determination to make the improvements referred to in their petition to the county judge and their assessment therefor, with rights of appeal and to provide for a further assessment.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of David Day, second, John B. Chandler and Thomas C. Mills, commissioners appointed by the county judge of St. Acts legalized.

Proviso. Lawrence county, pursuant to chapter eight hundred and eighty-eight of the laws of eighteen hundred and sixty-nine, to open and deepen the channel of Birch creek, in the town of Macomb, in said county, for the purpose of draining swamp lands lying along said creek, in making their determination to make the improvements referred to in their petition to said county judge and in their assessment therefor, are hereby legalized and confirmed; provided, however, that within thirty days after the passage of this act, any person aggrieved may appeal to the county court of St. Lawrence county, from any determination of said commissioners involving their jurisdiction to act, with the same rights of appeal from the decision of said county court, as is provided by said chapter eight hundred and eighty-eight of the laws of eighteen hundred and sixty-nine, and the acts amendatory thereof.

Deficiency. § 2. In case of any deficiency of the amount collected under their assessment in making the full amount of their expenses, to land damages and other legal charges, the said county court may, upon ten days' notice by said commissioners to the possessors of lands to be assessed, order a new assessment for such deficiency to be made and collected as provided for in said act and amendatory acts.

§ 3. This act shall take effect immediately.

Chap. 402.

AN ACT to declare Swiss creek, in Lewis county, a public highway.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Highway. SECTION 1. Swiss creek, in the town of Croghan, Lewis county, is hereby declared to be a public highway for the purpose of floating logs and lumber thereon.

Dams. § 2. No dam shall be hereafter erected on said creek without a sluice of not less than six feet nor more than ten feet in width, with one or more gates, so located as to easily pass logs and timber.

Booms. § 3. No boom shall be hereafter erected on said creek without a passage or water-way at least ten feet in width, and said water-way may be closed except when necessary to be open for the purpose of floating logs and timber.

Obstructing creek. § 4. Any person willfully obstructing said creek by booms or otherwise, so as to prevent the passage of logs and timber, shall be liable to a penalty of twenty-five dollars for each day of such obstruction, to be sued for and collected by any person aggrieved thereby.

Sluices, shutes, etc. § 5. Persons desirous of floating logs or timber down said creek may construct a sufficient sluice and shute or apron in any dam across said creek, and may reconstruct any booms already constructed in, over or across said stream, in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant.

Damages. Such person shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of said dam or boom in constructing temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which such dam or booms are situated, on the application of either party, and written

notice of ten days to the other party, unless the parties agree. And said county court shall always be open for such application.

§ 6. The damages sustained by the riparian owners on said creek shall be assessed by three commissioners to be appointed by the Supreme Court. The report of said commissioners to be filed in said county court. The commissioners to receive three dollars per day, to be paid by the person or persons making application for such commission. Assessment of.

§ 7. The occupant of any land on said creek, may apply to the Supreme Court for the appointment of three commissioners. Ten days' written notice of such application shall be given by the applicant to the other owners or occupants of lands on said creek, by serving the same personally or leaving the same at the residence of such owner or occupant. Notice.

§ 8. The said commissioners shall take the Constitutional oath of office, give at least ten days' notice of the time and place of such assessment of damages to such owners or occupants, shall view the premises and hear any proof and allegations offered by any of the owners of any of the land over and above which said creek flows, and shall make their appraisal in writing, and certify their fees and charges, and deliver such appraisal in the Lewis county clerk's office. Said clerk shall lay the same before the board of supervisors of Lewis county. The board of supervisors aforesaid, shall cause the said damages, together with the fees and charges of said commissioners, to be levied and collected as other county charges are raised, and the money, when collected, shall be paid to the county treasurer, who shall pay said commissioners and owners. Commissioners' duties.

§ 9. Said commissioners shall receive the sum of three dollars per day for the time employed by them. Awards.

§ 10. Any riparian owner aforesaid may release to the People of this State all claims for damage provided under this act. Such release shall be filed in the Lewis county clerk's office by the said owner, or any commissioner appointed under this act to whom such notice may be given. Compensation.

§ 11. This act shall take effect immediately. Release of claims.

Chap. 403.

AN ACT to declare Independence creek and its tributaries,
in Lewis county, a public highway.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Independence creek and its tributaries, in the county of Lewis, are hereby declared to be a public highway, for the purpose of floating logs and timber thereon. Public highway.

§ 2. No dam shall hereafter be erected on said creek or its tributaries without a sluice of not less than six feet nor more than ten feet in width, with one or more gates so located as to easily pass logs and timber. Dams.

§ 3. No boom shall be hereafter erected on said creek or its tributaries without a passage or water-way of at least fifteen feet in width, and said water-way may be closed except when necessary to be open for the purpose of floating logs and timber. Booms.

Obstruct-
ing creek.

§ 4. Any person willfully obstructing said creek or its tributaries, by booms or otherwise, so as to prevent the passage of logs and timber, shall be liable to a penalty of twenty-five dollars for each day of such obstruction, to be sued for and collected by any person aggrieved thereby.

Sluices,
shutes,
etc.

§ 5. Persons desirous of floating logs or timber down said creek or its tributaries may construct a sufficient sluice and shute or apron in any dam across said creek or any tributary, and may reconstruct any booms already constructed in, over or across said streams, in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant; such person shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of said dam or boom, in constructing temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which such dam or boom is situated, on the application of either party, and written notice of ten days to the other party, unless the parties agree; and said county court shall always be open for such application. The report of said commissioners shall be filed in said county court. The commissioners shall receive three dollars per day, to be paid by the person making such application.

Damages.

Notice.

Damages,
adjust-
ment of.

§ 6. The damages sustained by the riparian owners on said creek shall be assessed by three commissioners to be appointed by the Supreme Court, and the damages sustained by the riparian owners on any tributary of said creek shall also be assessed by commissioners to be appointed by the said court as hereinafter provided.

Notice.

§ 7. The occupant of any land on said creek may apply to the Supreme Court for the appointment of three commissioners. Ten days' written notice of such application shall be given by the applicant to the other owners or occupants of land on said creek by serving the same personally or leaving the same at the residence of such owner or occupant.

Commis-
sioners'
duties.

§ 8. The said commissioners shall take the Constitutional oath of office, give at least ten days' notice of the time and place of such assessments of damages to such owners or occupant; shall view the premises and hear any proof and allegations offered by any of the owners or occupants of any land over and above which said creek or its said tributaries flow, and shall make their appraisal in writing, and certify their fees and charges, and deliver such appraisal in the Lewis county clerk's office. Said clerk shall lay the same before the board of supervisors of Lewis county. The board of supervisors aforesaid shall cause the said damages, together with the fees and charges of the said commissioners, to be levied and collected as other county charges are raised, and the money when collected shall be paid to the county treasurer, who shall pay the same to the said commissioners and owners.

Awards.

Compen-
sation.

§ 9. Said commissioners shall receive the sum of three dollars per day for the time employed by them.

Tributa-
ries.

§ 10. Any occupant of any land on any tributary of said creek may apply to the Supreme Court for the appointment of three commissioners to assess the damages on said tributary, on giving the notice prescribed in section seven of this act. The commissioners so appointed shall take the oath of office and proceed as provided in section eight of this act; and the damages assessed by them shall be paid as provided in said section.

Release of
claims.

§ 11. Any riparian owner aforesaid may release to the People of this State all claims for damages provided under this act. Such release

shall be filed in the Lewis county clerk's office by the said owner or any commissioner appointed under this act to whom such notice may be given.

§ 12. This act shall take effect immediately.

Chap. 404.

AN ACT to abolish the office of railroad commissioner in the town of German Flats, in Herkimer county, and to provide for the performance of the duties of such commissioners.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for and it shall be the duty of the railroad commissioners in and for the town of German Flats, in the county of Herkimer, or the person or persons in whose custody the bonds hereinafter mentioned shall be, to meet at some convenient place within said town, on some day before the first day of June next after the passage of this act, which time and place shall be fixed by the supervisor of said town, and then and there, publicly, in the presence of the supervisor, town clerk, and at least one of the justices of the peace of said town, and such other citizens of said town as may be present, cancel and destroy all of the bonds of said town in aid of the construction of the New York, Utica and Ogdensburgh railroad, which have been signed by two of such railroad commissioners, but never in fact issued by such railroad commissioners, nor negotiated; the amount of such bonds being one hundred and twenty-eight thousand dollars. And the said town clerk shall make a record of the number and amount of such bonds so destroyed. Cancellation of bonds.

§ 2. Immediately after such cancellation and destruction of said bonds as aforesaid, the office of railroad commissioner in and for said town of German Flats shall cease and be abolished; and all the duties now by law required to be performed by such railroad commissioners, in regard to the payment of principal and interest of all the bonds of said town in aid of the construction of said railroad, heretofore executed; issued and negotiated by all of said railroad commissioners, in good faith, the amount of such bonds being thirty-two thousand dollars, shall thereafter be performed by the town board of the town of German Flats aforesaid, and each member of said board shall be entitled to the sum of two dollars per diem for all the time in which he shall actually and necessarily be engaged in the performance of such duties, but not to exceed two days in any one year. Office abolished.
Town board to perform duties.
Compensation.

§ 3. This act shall take effect immediately.

Chap. 405.

AN ACT to authorize the town of Saugerties, in the county of Ulster, to raise money to build a dock, and ceding to said town of Saugerties certain lands under the waters of the Hudson river for the purpose thereof.

Passed May 24, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Affirma-
tive vote
of electors
necessary

May ex-
pend
\$16,000.

Location
of dock.

Work to
be let.

Provision
for paying
expense of
construc-
tion.

Size, etc.

SECTION 1. The supervisor and town board of the town of Saugerties, in the county of Ulster, after the affirmative vote at a special town meeting of said town to be held within thirty days after the passage of this act as hereinafter provided in favor of the construction of the dock or pier hereinafter mentioned, are hereby authorized and directed to raise in the manner hereinafter provided a sum not exceeding sixteen thousand dollars, to be expended in building a dock, known as long dock, with main dock and pier thereto, on the west bank of the channel of the Hudson river, south of the creek known as the Esopus creek, to high water mark at the termination of Ferry street, in the village of Saugerties, in said town.

§ 2. The supervisor and town board of said town are, after such affirmative vote, hereby authorized and directed to let the work of building and making said dock and pier to the lowest bidder, who shall furnish security for the faithful performance of the same, to be approved of by the supervisor and town board of said town. And the same shall be constructed in the manner stated in the following section. And for the purpose of defraying the expenses thereof the said supervisor and the town board of said town are authorized to borrow such sum or sums, not exceeding in the aggregate sixteen thousand dollars, as may be necessary, to build said pier and dock, and for that purpose may issue scrip, payable as follows: four thousand dollars and interest thereon and interest on the whole amount remaining unpaid on the first day of March, eighteen hundred and seventy-seven, and four thousand dollars and interest on the amount remaining unpaid on the first day of March in each and every year thereafter until the whole amount of said scrip is fully paid and satisfied, which scrip shall be ordered to be issued by the town board of said town, and shall be signed by the supervisor and town clerk, and shall bear interest at seven per cent. per annum, and shall be a lien upon the real and personal property of said town; and the board of supervisors of the said county of Ulster shall, at their next annual meeting, levy and cause to be collected upon the taxable property assessed in said town of Saugerties, the amount of said scrip, with the interest falling due on the first day of March, eighteen hundred and seventy-seven; and said board shall at each subsequent annual meeting thereafter in like manner levy and cause to be collected on the taxable property of said town, as hereinbefore provided, the amount of said scrip with interest, becoming due and payable from time to time in accordance with the provisions of this section, until the whole amount of said sixteen thousand dollars and interest thereon shall have been fully levied and collected.

§ 3. The said pier and dock shall be built in a good, substantial and workmanlike manner, the long dock shall be at least twenty feet wide, and the main dock shall be at least fifty feet wide by one hundred feet

long, and the pier shall be at least twenty-five feet by forty feet, and the same shall be built under the direction and supervision of the supervisor and town board of said town.

§ 4. The said dock and pier hereinbefore mentioned, after the same shall be built, shall be used for town and village purposes, and shall be under the control of the commissioner of highways of said town of Saugerties, from where Ferry street now terminates to the end of said dock and pier, and he shall keep the same in good condition and repair, and he may in his discretion lease the said dock and pier to a responsible party or parties upon such terms and conditions as he shall deem to be the best interest of the town of Saugerties aforesaid, by and with the consent and approval of the town board of said town, first obtained in writing and filed in the town clerk's office in the town of Saugerties aforesaid; provided, however, that no toll or other charge shall be collected from any person for using said dock and pier, except for wharfage or landing at said dock or pier in the discretion of the commissioner of highways of said town as aforesaid. The revenue, if any shall accrue from the leasing of said dock or pier, shall be used as far as necessary for the purpose of repairing and keeping said dock and pier in good condition. And any act or parts of an act so far as it conflicts with the provisions of this act is hereby repealed.

Use, control, etc.
Proviso.
Revenues.

§ 5. For the purpose of insuring a communication between the shore of said town and the navigable waters of the Hudson river, and enabling the authorities of the said town to construct a dock and pier, as herein expressed, into the waters aforesaid, all the estate, title and interest of the People of the State of New York in and to all the lands under the waters of such river, from high-water mark, in a straight line running easterly from Ferry street, of the width of fifty feet, to the west bank of the channel of the Hudson river, and from a point on the bank of said channel about two thousand three hundred feet south of the Saugerties light-house, fifty feet westerly; thence southerly in a line parallel with said river one hundred feet; thence easterly to the west bank of said channel, fifty feet; thence northerly and along said channel bank one hundred feet to the place of beginning, with sufficient lands in addition to the above, to build a pier twenty-five feet by forty feet in front of said main dock, as above proposed, is hereby granted and declared to be vested in the town of Saugerties, for the uses and purposes of said town forever, except as hereinafter provided.

Release of lands.

§ 6. The said dock and pier shall not be so constructed as to interfere with the free navigation of the Hudson river. Nor shall anything herein prevent the State from retaking possession of the lands in the last section described or from removing the said docks or piers or any portion thereof when in the judgment of the Legislature or the officer or officers of said State duly authorized, the interest of the State shall make it desirable so to do.

Proviso.

§ 7. A special town meeting for the purpose of voting upon the proposition as to whether such dock or pier shall be constructed, shall be had within thirty days after the passage of this act, upon fifteen days' notice given of the time and place of holding such town meeting by the town clerk of said town, by posting printed notices in at least ten public places in said town, and specifying the purpose for which said election is to be held. Such special town meeting shall be held at the place where the annual town meeting is held. The said special town meeting shall be presided over by the same officers and conducted in the same manner as the annual town meeting in said town. No persons shall vote at such town meeting except tax-payers of said town.

Special town meeting.
Qualification of voters.

Ballots.

Result to
be certi-
fied.

who are legal voters therein. The persons voting or offering to vote at such town meeting shall be subject to all the provisions of law regulating voting at town meetings, and providing for the punishment of illegal voting at such meetings. Separate ballots shall be prepared under the direction of the town clerk of said town, which shall read as follows: "For the dock and pier," and "Against the dock and pier," and if a majority of all the votes cast at such special town meeting shall read "For the dock and pier," then the said dock and pier shall be built and paid for in the manner herein provided; but if a majority of all the votes cast at such town meeting shall read "Against the dock and pier," such dock and pier shall not be built. A certificate of the number of votes cast for and against said dock and pier shall be made and signed by the persons presiding at such town meeting, immediately after the canvassing of such vote, and the same shall be filed in the clerk's office of said town, and shall be evidence of the matters therein stated.

§ 8. This act shall take effect immediately.

Chap. 406.

AN ACT to amend chapter two hundred and ninety-four, laws of eighteen hundred and thirty-one, being an act incorporating the village of Plattsburgh, passed April twenty-six, eighteen hundred and thirty-one.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of title five of an act entitled "An act incorporating the village of Plattsburgh and the several acts amendatory thereof and to extend the powers of the corporation of said village," passed April thirteenth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Opening
and
widening
of streets.

§ 5. The persons applying and who shall have signed a petition for any such improvement shall be chargeable with and are hereby declared liable for all charges and expenses which may accrue on such application if said street is not opened or widened within one year after the said application is first presented to the board of trustees.

§ 2. Section one of title one of said act is hereby amended so as to read as follows:

Bounda-
ries.

§ 1. All that part of the town of Plattsburgh, in the county of Clinton, and State of New York, embraced within the following boundaries, that is to say, beginning at a point in the west bounds of Margaret street as now used half a mile northerly in a straight line from the north-east corner of the court-house in said town and running thence west to the east line of the farm occupied by judge William Bailey at the time of his death, and commonly called the Bailey homestead, or to where said east line would run if continued north, from the north-east corner of said farm, thence south one-fourth of a mile; thence west twenty-five chains; thence south to a point directly west from the center of the iron bridge, formerly called the covered bridge,

* So in the original.

thence east to the center of the river Saranac; thence down the center of said river to a point opposite the south-west corner of lot number eleven of the patent of Plattsburgh, near old fort Brown; thence east to the shore of lake Champlain, and then continuing east half a mile on the waters of the lake, thence north on the waters of said lake to a point directly east of the place of beginning, and thence west to the place of beginning, shall be known and distinguished as the village of Plattsburgh. The above courses to be run as the magnetic needle now points.

Chap. 407.

AN ACT extending the powers of the trustees of the village of Canandaigua.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The trustees of the village of Canandaigua shall have power to keep the public roads, avenues, streets, lanes, public buildings and public places of said village in good order, repair and condition; to construct culverts and drains, to regulate the width, line and grades of public streets, avenues and lanes; to drain stagnant waters, and to raise and fill up low ground, if nuisances, and assess the expense thereof upon the property benefited, in proportion to the amount of such benefit; and to regulate the water courses, ponds and watering places in said village; to cause all necessary sewers to be built, and assess the expense thereof upon the property benefited in proportion to the amount of such benefit, and for the purpose of carrying into effect the provisions of this act, shall have power to take private property for public purposes as hereinafter provided.

§ 2. The trustees of the village of Canandaigua, or a majority of them, shall have power to lay out, open or grade, any public road, avenue or street, or to widen, alter the line of or close any public road, avenue or street, in said village, upon the written application of not less than fifty freeholders, residents of said village, or on the written application of a majority of the owners of land which must be taken for such new street, or which fronts upon such old street, proposed to be widened, altered or closed. If, in pursuance of such application, the trustees of said village shall determine to make the improvement thereby requested, and the owners of all lands, or hereditaments required for such purpose shall not voluntarily cede the same to the corporation for such purpose or use, and if the said trustees shall fail to obtain such land or hereditaments by agreement with the parties interested, the county court of Ontario county shall, upon the application of the board of trustees, at chambers or at special term, appoint three disinterested persons, not residents of said village of Canandaigua, as commissioners to appraise the damages of the owner or owners of lands or hereditaments to be taken for any such purpose. Previous notice of such application shall be given to said owners, their tenants, or agents, at least eight days before such application. In case a vacancy occurs among such commissioners, by reason of death or resignation, or other cause, the same court shall, in the same manner, and upon

Streets,
sewers,
etc.

Expense.

Opening
streets,
etc.

Disagree-
ment as to
damages.

Commis-
sioners to
be ap-
pointed.

Vacan-
cies.

like application, appoint an additional commissioner or commissioners, to fill such vacancy. The commissioners so appointed shall view and examine the road, avenue or street, which is to be laid out, opened and graded, or that which is to be widened, altered or closed, and the lands and hereditaments to be taken for that purpose; they shall hear the trustees, owners of the land through which the road, avenue or street, passes, and all persons appearing before them who shall be interested in the proposed improvements. They shall make a just appraisement of the damages which each owner of land or hereditaments to be taken will sustain thereby; they shall report in writing their appraisement of the damages, and shall therein sufficiently describe each piece or parcel of land to be taken, and shall distinctly state the damages awarded to each owner of lands or hereditaments taken, as far as such owner can be ascertained, which report shall be signed by the commissioners, or two of them, and be filed with the clerk of said village, and be open to the inspection of all interested therein. Immediately upon so filing the same, the commissioners shall cause notice thereof to be given by publishing such notice in two of the newspapers published in said village of Canandaigua for two weeks consecutively, which notice shall state that such report may be examined on application to the clerk of said village; and that the commissioners will attend at a time and place to be specified therein, not less than fourteen days from the publication thereof, to hear any persons objecting to such appraisements. The commissioners shall meet at a time and place so specified, to hear and receive any objections, oral or written, which may be offered to such appraisement. If any objections shall be made to the same, they shall review such appraisement, and may make such alteration therein as they may deem just. The commissioners shall thereupon cause notices to be published in the manner above specified, that such appraisement has been finally settled by them, and may be examined upon application to the clerk of said village. Within twenty days after the publication of the last mentioned notices, any person considering himself aggrieved by such report may appeal therefrom to the county court of Ontario county, giving written notice of his appeal to the clerk of said village. Upon such appeal, the county court shall examine such report, and may vacate, affirm, alter, or correct the same, as shall be just. If no objection to such appraisement shall have been made to the report of the commissioners, or in case there be no appeal within the time allowed, or when upon appeal the report shall be affirmed, altered or corrected by the county court, the trustees of said village shall forthwith proceed to appraise and assess the benefits which any person or persons, or party or parties, or corporations owning property in said village, or which the taxable inhabitants and property of said village may derive from the laying out, opening, making and grading said public road, avenue or street, or from the widening, altering or closing any such road, avenue or street. They shall make a report in writing, specifying the names of the persons, parties or corporations assessed for benefits, and the amount so assessed upon each person, party or corporation so named. They shall also make an estimate of the probable expense of opening and properly grading said road, avenue or street, and shall state the amount thereof in such report, and the proportion of this amount which should be collected by a general assessment as benefits upon the taxable inhabitants and taxable property of said village, if any, and how much should be assessed as benefits upon the persons, parties or corporations, benefited by such improvements. The general assessment, if any be made upon

Duties.

Report.

Notice of
filing re-
port.

Objections.

Final
report.

Appeals.

Assess-
ments of
parties
benefited.Estimate
of cost.

the taxable inhabitants and taxable property of the said village, authorized by this section, shall be in addition to and collected with the amount annually raised by taxation in said village, as now authorized by law. The trustees of said village shall forthwith proceed to levy the several assessments for benefit, or for benefit over damage, not included in such general assessment, upon the persons and taxable property benefited, as set forth in said report, for which purpose they shall issue to the village collector a warrant for the collection thereof. The collector shall proceed to collect such assessments and taxes, in the same manner as village taxes are collected. The trustees of said village shall pay to each owner of the land taken for such improvement the amount of damages awarded to such owner, and the land shall then vest in the trustees of the village of Canandaigua. When an award of damages for land required to be taken for any such improvement shall be made to an unknown owner, the said village trustees shall not pay over the same until the claimant shall have exhibited satisfactory evidence to them that he is entitled to the same as such owner, or upon the order of the county court of Ontario county, upon application of the claimant to the said court, after twenty days' previous notice to the trustees, and the publication of a similar notice for four weeks successively, once in each week, in two of the newspapers published in the village of Canandaigua, such respective notices setting forth the amount of the award, and describing the premises for which the same was awarded, the court being satisfied of the validity of the claim of such owner; and for the purpose of hearing and determining the same, the said court may at any time hold a special term, at any place in the said county. Before entering upon their duties as such commissioners, as provided in this section, the said commissioners shall be sworn or affirmed before some officer authorized to administer oaths, faithfully and impartially to execute their duties as such commissioners, according to the best of their ability. They shall each be entitled to a reasonable compensation for their services, not exceeding three dollars for each day they shall be, respectively, actually and necessarily employed in the performance of their duty. Such compensation, and the fees of attorney and counsel and the charges of surveyor, and other expenses necessarily incurred, to be estimated as a part of the expenses of such improvement.

General
assess-
ment.Levy and
collection
of tax.Payment
of awards.

Oath.

Compensation.

§ 3. The trustees of said village shall have power to construct drains and sewers in any road, avenue or lane in said village, upon a like written application of freeholders, residents of said village, as provided in the last preceding section; and may acquire land for the line of any drain or sewer upon a like written application of freeholders, residents of said village, as provided by the last preceding section; the expense of establishing and constructing any such drain or sewer shall be borne and defrayed wholly by the owners of all lands that shall be benefited thereby, in proportion to the benefit which each owner shall be deemed benefited. And for the purpose of appraising any damages, and of defraying the expense of any improvement, authorized by this section, the damages shall be appraised and the assessments for benefits made and collected in the same manner as authorized and provided in the second section of this act.

Construc-
tion of
drains and
sewers.

§ 4. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 408.

AN ACT to authorize municipal corporations in the counties of Clinton, Essex and Washington, to sell stock held by them in the New York and Canada railroad company.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Author-
ized to sell
stock.

Limita-
tion of au-
thority.

Bonds re-
ceivable
in pay-
ment.

Cancella-
tion.

Petition.

Acts legal-
ized.

Pending
proceed-
ings.

SECTION 1. The railroad commissioners of any municipal corporation in the counties of Clinton, Essex and Washington, appointed under the provisions of any law of this State, under and in pursuance of which such municipal corporation has subscribed to the capital stock of the New York and Canada railroad company, are hereby authorized to sell and transfer to the said, the New York and Canada railroad company, or to any other party, any capital stock in the said, the New York and Canada railroad company, held by or for any such municipal corporation, or to which such municipal corporation may be or become entitled, in pursuance of any lawful agreement heretofore made between said railroad company and any of said municipal corporations, to take stock in said railroad company; but such sale of said stock, shall not be made for less than the amount specified in the consent or petition hereinafter provided for, and shall in no case be for less than forty-five per cent. of the par value of such stock, and shall only be made upon the petition or consent, duly signed, of a majority of the tax-payers (other than said railroad company) of said municipal corporation, representing a majority of the taxable property thereof, appearing upon the assessment roll last preceding the date of such petition or consent, which petition or consent shall be duly certified or acknowledged as required in the act under which said subscription or agreement was made for the consent to such subscription or agreement. Such commissioners may receive the payment for the stock, hereby authorized to be sold, the bonds of the municipal corporation represented by them, issued or agreed to be issued to said railroad company, and any bonds so received in payment shall be canceled and destroyed by said commissioners in the presence of the county judge of the county in which such municipal corporation is situated. The consent or petition required by this act shall state the amount of railroad stock proposed or intended to be sold and the price at which it is to be sold. All acts done or performed by the railroad commissioners of any such municipal corporation, the said the New York and Canada railroad company, and the county judges of said counties, in the matter of any sale or agreement to sell the stock of such corporation, or the petition or consent therefor, and all consents and petitions heretofore obtained or made for the sale of such stock, are hereby declared to have the same force and effect as if the same had been done or made after the passage of this act; but nothing in this act contained shall affect any action or proceeding now pending in any court of this State.

§ 2. This act shall take effect immediately

Chap. 409.

AN ACT to enable the court of general sessions of the peace of the city and county of New York, to appoint an interpreter.

Passed May 24, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The court of general sessions of the peace is hereby authorized and empowered to appoint an interpreter for said court. The interpreter to be appointed by virtue hereof shall receive an annual compensation to be fixed by said court, not to exceed two thousand five hundred dollars per annum. Compensation.

§ 2. The expenses of carrying into execution the provisions of this act and the salary of the said interpreter whose appointment is hereby authorized, shall be a county charge, and the board of estimate and apportionment of said city and county of New York shall provide for the payment of the same, so soon as the sums requisite therefor, shall be certified to the said board by the said court of general sessions. Expenses a county charge.

§ 3. This act shall take effect immediately.

Chap. 410.

AN ACT relinquishing title and jurisdiction to the United States over certain land covered with water at West Point.

Passed May 25, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right and title of the State of New York to the following described parcel of land covered with water adjacent and contiguous to the lands of the United States on the Hudson river at West Point and jurisdiction over the same, are hereby released and ceded to the United States under article one, section eight, paragraph sixteen of the Constitution, for the purpose of erecting and maintaining docks, wharves, boat-houses, batteries, and other needful military structures and appurtenances. Lands ceded to United States.

Said land covered with water is bounded and described as follows:

Beginning at a point at high water mark on the west shore of the Hudson river on south line of lands belonging to the United States and northeast corner of lands belonging to Edward V. Kinsley, and running thence into the river from high water mark south seventy degrees east, one hundred and twenty-five feet; thence north thirty-one degrees east, thirty-one hundred and sixty-five feet, to a point fifty feet east of the most easterly point at high water mark of a point of land at base of "Battery Knox"; thence north twenty degrees east, thirteen hundred and fifty feet, to a point sixty feet east of high water mark at "Gee's Point"; thence north fifty-two degrees twenty minutes west, thirteen hundred and seventy-five feet; thence north seventy-five degrees thirty minutes west, four hundred and forty-five feet, to a point Description.

fifty feet north of the northwest corner of the "North dock"; thence north forty-seven degrees twenty-five minutes west, twenty-one hundred and seventy-five feet, to a point three hundred feet east of high water mark; thence north twenty-three degrees forty-five minutes west, fourteen hundred and twenty feet, to a point one hundred feet east of high water mark; thence north seven degrees fifty-five minutes west, seventeen hundred and eighteen feet, to a point fifty feet east of high water mark; thence north nine degrees five minutes west, eighteen hundred and three feet, to a point one hundred feet east of high water mark and in range with the north line of the United States lands; thence north eighty-nine degrees twenty minutes west, one hundred feet, to a bolt set in a rock for the northeast corner of said lands of the United States: Provided, that jurisdiction hereby ceded shall continue no longer than the United States shall own said land at West Point and the adjacent land covered with water hereby released; and provided further that all civil and such criminal process as may lawfully issue under authority of this State may be served or executed over said released lands.

Proviso.

Patent to
be issued.

§ 2. The Commissioners of the Land Office are hereby authorized and directed to issue a patent of said released lands to the United States.

§ 3. This act shall take effect immediately.

Chap. 411.

AN ACT to amend chapter three hundred and twenty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to re-enact and amend an act, entitled 'An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' " passed May twenty-three, eighteen hundred and seventy-three.

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen of chapter three hundred and twenty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to re-enact and amend 'An act to provide for the annexation of the towns of Morrisania, West Farms and Kingsbridge, in the county of Westchester, to the city and county of New York,' " passed May twenty-third, eighteen hundred and seventy-three, is hereby amended to read as follows:

§ 17. (1.) It shall be the duty of the board of commissioners of the department of public parks of the city of New York, to cause to be made, maps of the territory constituting the twenty-third and twenty-fourth wards as defined by this act, for the use of the department of taxes and assessments of New York city. Such maps shall show all street, road and property lines, and the divisions of all lots and separate properties and the dimensions of the same. The said maps shall be of such scale, form and dimensions, and bound in volumes of such

Mapping
of 23d
and 24th
wards.

size as may be directed by the commissioners of taxes and assessments. The said lots and separate properties shall be designated on said maps by numbers, as may be directed by the commissioners of taxes and assessments.

(2.) The commissioners of the department of public parks shall cause such maps and such surveys as may be found necessary for their completion, to be made by competent surveyors and draughtsmen in the office and under the direction of the civil and topographical engineer in charge of surveying, laying out and monumenting the twenty-third and twenty-fourth wards, and so far as practicable from the maps of topographical surveys of the town of Morrisania, made under the direction of the commissioners appointed under chapter eight hundred and forty-one of the laws of eighteen hundred and sixty-eight, and the topographical maps of the towns of West Farms and Kingsbridge, made under the direction of the commissioners of the central park and the commissioners of the department of public parks, which said maps are now in the possession of said department of public parks. How and by whom to be made.

(3.) The board of estimate and apportionment of the city of New York is hereby authorized to appropriate from any unexpended balances for the year eighteen hundred and seventy-five, the sum of ten thousand dollars for the use of the department of public parks, to pay for work which may be done under this act during the year eighteen hundred and seventy-six. Payment provided for.

(4.) The board of estimate and apportionment of the city of New York shall annually include in the estimate of the amounts necessary to pay the expenses of conducting the business of the department of public parks of the city of New York, such sum or sums of money as shall, in the judgment and discretion of said board, be necessary to carry on the work authorized by this act.

§ 2. This act shall take effect immediately.

Chap. 412.

AN ACT making appropriations for the payment of the principal and the interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-six, and to provide for the payment of the principal and interest of the debt contracted under section twelve of article seven of the Constitution.

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby appropriated out of the revenues of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and seventy-six: Appropriation.

For the payment of the interest in coin on the loans made under section three of article seven of the Constitution, the sum of six hundred and thirty-five thousand dollars, or so much thereof as may be necessary. Interest on loans.

Sinking fund.	To provide for the sinking fund for the extinguishment of the principal of the loans made under section three of article seven of the Constitution, the sum of four hundred and fifty thousand dollars.
Surplus.	After complying with the foregoing provisions, if there shall be any remainder of the surplus revenues, the sum of six hundred thousand dollars, or so much thereof as shall remain of such surplus, is hereby further appropriated to the sinking fund before mentioned.
Appropriation.	§ 2. The following sums are hereby appropriated out of the proceeds of any tax to be levied and collected under the provisions of the act, chapter two hundred and seventy-one, of the laws of eighteen hundred and fifty-nine, to pay the interest and reimburse the principal of the loan of two million five hundred thousand dollars to provide for the payment of the floating debt of the State.
Interest on loan.	To pay the interest in coin on said loan for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-six, sixty-one thousand dollars, or so much thereof as may be necessary.
Sinking fund.	To provide for the sinking fund to pay the principal of said loan, two hundred and thirty-nine thousand dollars, being a final contribution to said fund as provided for by the act aforesaid.

Chap. 413.

AN ACT in relation to the clerks, officers and attendants of the marine court of the city of New York.

Passed May 25, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Officers of court.	SECTION 1. The marine court of the city of New York shall hereafter be entitled to the following number of clerks, assistant clerks, stenographers, attendants, and interpreters: one clerk, three deputy clerks, not more than ten assistant clerks, not more than three stenographers, not more than thirteen attendants, and one interpreter.
Salaries.	§ 2. The said clerks, officers, attendants, and interpreter of said court shall receive the following salaries: The clerk, four thousand dollars, one deputy clerk, three thousand five hundred dollars, and the other deputy clerks three thousand dollars each. The assistant clerks, two thousand dollars each. The stenographers, two thousand dollars each. The attendants, twelve hundred dollars each, and the interpreter, fifteen hundred dollars.
Removal of chief clerk.	§ 3. The chief clerk of said marine court may be removed by the court at pleasure, and any vacancy by removal or otherwise shall be filled by the court.
Deputies, assistants, etc., removal of.	§ 4. The several deputy clerks, assistant clerks, stenographers, attendants, and interpreter may be removed by the chief clerk of said court at pleasure, and any vacancy by removal or otherwise shall be filled by the said clerk.
	§ 5. The provisions of any act inconsistent with the provisions of this act are hereby repealed.
	§ 6. This act shall take effect immediately.

Chap. 414.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York."

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seven of chapter six hundred and seventy-one of the laws of eighteen hundred and fifty-seven, entitled "An act to establish regulations for the port of New York," is hereby amended so as to read as follows :

§ 7. When any slip, basin or shoal in the port of New York shall be dredged or excavated, it shall be the duty of the person or persons causing the same to be dredged, to cause the sand, mud or other materials so dredged, to be towed to sea at a point at least three miles outside of Sandy Hook, or deposited at some place above high water mark, or to be deposited behind a bulkhead for filling, and any person willfully violating the provisions of this section shall forfeit and pay to the said commissioners the sum of five dollars for every cubic yard removed, not so disposed of, one-half of which shall be retained by the commissioners. ^{Mud, sand, etc., how disposed of.} ^{Penalty.}

§ 2. This act shall take effect immediately.

Chap. 415.

AN ACT supplementary to chapter seven hundred and thirty-seven, laws of eighteen hundred and seventy-three, entitled "An act in relation to the creation and formation of water-works companies in towns and villages of the State of New York."

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any company, formed under the provisions of the act entitled "An act in relation to the creation and formation of water-works companies in towns and villages of this State," passed June twelfth, eighteen hundred and seventy-three, shall have fully completed its organization as provided by said act, and shall have made a contract with any town or village, as provided by section five of said act, to supply such town or village with pure and wholesome water, the said company and its agents and employes shall be authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of the property, which may be required for the purposes of the act to which this is a supplement, which may be required for the purposes of said act, as to the amount of compensation to be paid such owner, subject to a revision by the court, upon application by any three taxable inhabitants of the town or village. ^{Taking of lands.}

Survey
and map
to be
made.

§ 2. Before entering upon, taking or using any land for the purposes of the above recited act, the said company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of the purposes of the said act, by and on which the land of each owner or occupant shall be designated, which map shall be signed by the president of the said company and its secretary, and be filed in the office of the county clerk of the county in which the said lands are situated; and the said company, by any of their officers, agents and servants, may enter upon any lands for the purpose of making such survey or map.

Proceed-
ings in
case of
disagree-
ment.

§ 3. In all cases where the said company shall be unable to agree with the persons owning or having an interest in any lands, tenements and hereditaments required for the purposes of this act, the Supreme Court, at any special term thereof held in the judicial district in which the said lands may be situated, shall on application of the said company, after ten days' written notice, personally served on such persons, or where such notice cannot be personally served within this State, or such persons shall be infants or otherwise incapacitated from receiving personal notice, then by service in such manner as the said court shall direct, appoint three disinterested citizens of the county in which the said lands are situated, who shall be freeholders, as commissioners, to determine the damage sustained by each of such persons by reason of the taking or use of his or her lands, tenements or hereditaments for the purposes of the above recited act. Such commissioners shall take the oath required by the Constitution, of public officers, and shall personally examine each parcel of land or other property proposed to be taken or used, and shall estimate and report to said court, at any term thereof held in the said judicial district, the several sums which they shall decide to be a just compensation to such owners or persons interested, respectively, for the appropriation to the purposes of this act of any property rights or privileges that may be so required, or for the title and use of any such property. Such commissioners may examine witnesses upon hearings before them, and shall have power to administer oaths to such witnesses, and all the evidence they shall take shall accompany their report to the court. Ten days' notice, in writing, of the time and place of the presentation of the said report shall be given to the parties interested. On the presentation of such report the said court may confirm or amend the same, or appoint new commissioners, who shall proceed in like manner with the first commissioners, and whose report, subject to amendment as aforesaid, shall be final, and shall be confirmed by said court. Such commissioners shall receive from the said company the sum of three dollars per day each for each day employed by them in the performance of their duties as above provided, together with the amount which the said commissioners shall certify, on their oaths, as correct, in their said report, for incidental expenses connected with their work, including the preparation of such report.

Payment
of awards.

§ 4. Whenever any report of such commissioners shall have been confirmed by the said Supreme Court, the said company may deposit, as said court may direct, or pay to said owner or to such person or persons, as the court may direct, the sum mentioned in the said report in full compensation for the property so required and thereupon the said company shall become seized in fee of the property so acquired, and the said company shall be discharged from all claim by reason of any such appropriation or use.

§ 5. All companies organized under this act or the act to which this

is supplementary, shall be subject to the provisions of section twenty-two of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five.

§ 6. This act shall take effect immediately.

Chap. 416.

AN ACT to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes."

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The counties of Ulster and Rensselaer are hereby exempted from the operation of chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act to require the commissioners of highways to act as inspectors of plank-roads and turnpikes."

§ 2. This act shall take effect immediately.

Chap. 417.

AN ACT to authorize the common council of the city of Syracuse to appropriate and expend five thousand dollars towards the expense of celebrating the fourth day of July, eighteen hundred and seventy-six.

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Syracuse are hereby authorized and empowered, in their discretion, to appropriate and expend, from the general fund of said city, a sum not exceeding five thousand dollars towards defraying the expenses of the celebration in that city of the fourth day of July, one thousand eight hundred and seventy-six.

§ 2. Said sum of five thousand dollars shall be expended under the direction of the mayor and two of the citizens of said city, to be selected by the common council.

§ 3. This act shall take effect immediately.

Chap. 418.

AN ACT further to amend chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled an act to incorporate the village of Flushing, passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven."

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title four of chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled an act to amend an act entitled an act to incorporate the village of Flushing, passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven, is further amended by adding at the end thereof an additional clause, as follows:

Widen-
ing, clos-
ing, etc.,
of streets.

In the case of widening, closing or altering the lines of any street which is actually opened, and adjoining which houses have been erected fronting on such street, no action shall be taken by said trustees, unless at least one-quarter of the owners of land fronting on such street apply therefor, in any case where the application for such improvement is made by fifty or more freeholders, as hereinbefore provided.

§ 2. This act shall take effect immediately.

Chap. 419.

AN ACT to provide for the payment of expenses incurred by the city of Auburn, in making improvements in front of property owned by the State.

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authoriz-
ing pay-
ment of
\$1,213.35.

SECTION 1. The Treasurer shall pay, upon the warrant of the Comptroller, to the mayor of the city of Auburn, the sum of twelve hundred and thirteen dollars and thirty-five cents, from any funds in his hands not otherwise appropriated, for improvements made by said city in building sidewalks and curb stone, grading and paving streets in front of the armory lots owned by the State in said city, such sum being the proportion of the cost of the said improvements assessed upon said armory lots in accordance with the requirements of the provisions of the charter of said city. Before the payment of said appropriation, the Comptroller shall ascertain whether the amount thereof is a just and fair proportion of the expense of such local improvement.

Chap. 420.

AN ACT to provide for the maintenance, support and government of the poor in Queens county.

Passed, May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No superintendent of the poor shall hereafter be elected in the county of Queens. At the annual meeting of the board of supervisors of said county, in the year eighteen hundred and seventy-six, and at each annual meeting thereafter, a superintendent of the poor of said county shall be appointed, to fill any vacancy which may occur by reason of the expiration of the term of office, or otherwise, in the office of superintendent of the poor, on the first day of January next ensuing such meeting. Superintendents to be appointed.

§ 2. One of the persons so appointed, to be designated by said board, shall hold his office for one year next after the thirty-first day of December following such appointment, and until a successor shall be appointed. The other person so appointed shall hold his office for three years next after the thirty-first day of December following such appointment, and until a successor shall be appointed. And at each annual meeting thereafter a superintendent of the poor shall be appointed, who shall hold his office for three years next after the thirty-first day of December following such appointment, and until a successor shall be appointed. One of said persons so appointed may be designated by the said board of supervisors to be the keeper of the poor-house of said county during his term of office, or until removed by said board, and shall reside at said poor-house, and have the oversight and charge of the same, and of the farm connected therewith, and shall discharge all the duties appertaining to said office of keeper. Terms of office. Keeper of poor-house.

§ 3. The superintendent of poor of said county shall receive such compensation as the board of supervisors may, at any regular meeting thereof, determine; and, if one of the superintendents shall be designated as the keeper of the poor-house, he shall receive such additional compensation as the board of supervisors shall determine. Such compensation shall in no case be increased or diminished during the term for which the superintendent is appointed. Compensation.

§ 4. Any superintendent of the poor of said county may be removed by a two-thirds vote of the board of supervisors, for neglect or violation of official duty; provided, however, that, before any such superintendent shall be so removed, he shall be served with a copy of the charges against him, and have an opportunity given him to be heard in his defense. Removal.

§ 5. Whenever a vacancy shall occur by reason of a removal under the preceding section, it shall be filled by the county judge of said county, and the person so appointed shall hold his office during the unexpired term. Vacancies occurring from any other cause shall be filled by the board of supervisors at any regular meeting thereof. Vacancies.

§ 6. The superintendents of the poor of said county shall lay before the board of supervisors, at each annual meeting thereof, an estimate of the supplies and other expenses needed for the support of the county poor and the carrying on of the poor-house and farm, and all matters connected therewith, for the next ensuing year, which estimate shall set forth the different items, with the quantities and supposed cost. Estimate of expenses.

Review of
estimate.

§ 7. The said board shall thereupon review such estimate, and determine whether the whole, or what part of it, shall be allowed, and shall thereupon direct the county treasurer of Queens county to pay to the said superintendents a certain sum monthly for the support of the poor and all expenses connected therewith, and with the carrying on of the poor-house and farm. The said superintendents shall not expend to exceed the monthly amount so directed to be paid, except by special direction of said board of supervisors.

Superin-
tendents
to render
account.

§ 8. The said superintendents shall, at the annual meeting of the said board of supervisors, and at such other time or times as the said board shall direct, deliver to the said board a verified account, in items, with the vouchers of all expenses incurred and money paid out and received by them for all purposes, from the time of their last preceding account; and all such accounts shall be audited by the said board of supervisors in the same manner that other county accounts are now audited.

Rules,
etc., for
govern-
ment of
poor-
house.

§ 9. The board of supervisors of said county shall have power to establish and ordain, from time to time, prudential rules and regulations for the government of the poor-house of said county, and for the management of the farm and property connected therewith, and for the preservation of order and discipline among the inmates thereof, and for enforcing labor by such of them as are capable thereof, and also for the appointment and removal of the keeper of said poor-house, if a superintendent be not designated as such keeper, in pursuance of this act, and also for the examination and admission to the county poor-house of persons to be supported therein by the county. Such rules and regulations, when adopted, shall be enforced and carried out by the superintendents.

Work-
houses.

§ 10. And the said board of supervisors, for the purpose of utilizing the labor of able-bodied paupers, may join with other counties for the purpose of establishing a work-house and the employment of such labor, at such times and in such places and manner as they may deem most advantageous to said county, and jointly to establish such rules and regulations for the government of the same as they may deem proper.

Number
of super-
intendents
may be re-
duced.

§ 11. The said supervisors shall have the power to reduce the number of superintendents to one, in such manner and under such restrictions as are now provided by law.

§ 12. All acts and parts of acts inconsistent herewith shall not be applicable to the county of Queens.

§ 13. This act shall take effect immediately.

Chap. 421.

AN ACT to authorize the trustees of the first Baptist church and society of the town of Somerset, Niagara county, to sell and convey their real estate.

Passed May 25, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authorized
to sell and
convey.

SECTION 1. The trustees of the first Baptist church and society of the town of Somerset, Niagara county, may sell, after giving reasonable public notice, and grant and convey by deed in writing, the meeting-house premises, with all the appurtenances thereto, now owned by said

church and society, and lately used by them for church purposes, being a brick edifice in the village of Somerset. The trustees may also sell, at any time, after giving due public notice, and convey as above, the parsonage belonging to said society, which is also located in the said village of Somerset. The proceeds of such sale must be applied by the trustees for church and society purposes.

§ 2. This act shall take effect immediately.

Chap. 422.

AN ACT relating to unpaid taxes in Long Island City.

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment rolls of Long Island City for the years eighteen hundred and seventy, eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, and eighteen hundred and seventy-five may be corrected, and the several items of unpaid taxes for either State, county, city, or ward purposes for each and every of the years aforesaid, may be re-extended as hereinafter provided, except in the following cases, namely: Whenever it shall satisfactorily appear to the assessors,

Correc-
tion of as-
sessment
rolls.

First. That any real estate has been assessed within said city more than once in any one year, then only such one of said assessments and the taxes imposed thereon as said assessors shall determine, shall be so corrected and re-extended

Second. That any real estate not being within the boundaries of said city has been assessed, then such assessment and all unpaid taxes imposed thereon are hereby vacated and set aside.

Third. That any person has been erroneously or unlawfully assessed for personal property, then such erroneous or unlawful assessment for personal property and all unpaid taxes imposed thereon are hereby vacated and set aside.

Fourth. All sales for the unpaid taxes of the year eighteen hundred and seventy-one, where the property sold was struck off to or bid in by or on behalf of Long Island City, are hereby vacated and set aside; and for all the purposes of this act, such taxes shall be deemed and taken to be unpaid taxes of that year, and to be still due, owing and unpaid to said city; and the several lots, plots, or parcels of land upon which such taxes were imposed shall come and be, and are hereby declared to be within the several provisions of this act, with the same force and effect in all respects as if no such sales had been made.

§ 2. The board of assessors of said city are hereby authorized and empowered to correct the assessment roll of each and every of the years aforesaid, and for that purpose any piece of land situate within said city not exempt by law from taxation, and which shall have been described or assessed, or attempted or intended so to be upon said assessment rolls or either of them, and upon which the State and county, or the city or ward taxes for any of the years aforesaid, with the interest, percentages and penalties prescribed by law, shall not have been fully paid, so far as the same can be ascertained by said assessors, may be redescribed by

reference to and use of the assessment maps of said city, or in such other way as shall make a valid and effectual description for all the necessary purposes of location, identification, sale, and conveyance thereof, in case the same should be thereafter sold for non-payment of any of the taxes of that year, and the name of the owner, the description of the property, and the extension of the tax may each be amended, re-amended, and corrected at any time prior to the execution and delivery of the lease hereinafter provided, if any error shall be found therein, and no error in the owner's name or in the description or valuation of the property, or in the extension of the tax, shall impair or in any way affect the regularity or validity of the assessment or tax or the lien thereof, or any step or proceeding for the enforcement or collection of the tax, and in any case where the owner of any real estate or some party interested therein shall not furnish said assessors with an accurate description of such realty by reference to and use of such assessment maps, together with the name of the owner thereof, the words "owner unknown," may be used with the same force, effect and validity in all respects and for all purposes as though the name of the real owner or owners had been known to and used by said assessors.

Rede-
scription
of lands.

§ 3. Any piece of land within said city not exempt by law from taxation, which shall have been described or assessed, or attempted or intended so to be on the assessment roll of any of said years, and upon which any tax, interest, percentage or penalty shall appear to be unpaid, may be redescribed as aforesaid in one or more lots, blocks or plots, as laid down on said assessment maps, and as said assessors may find most convenient, and said assessors shall apportion the entire assessed valuation of such original piece to and among the several lots, blocks and plots into which such original may be divided for convenience of redescription as aforesaid, in such manner and proportion as to them shall seem just, but in no case shall they increase or diminish the original valuation; provided, however, that every lot, piece or parcel of land within said city which shall have been assessed or described in any manner on the assessment rolls of either of the years aforesaid, and which shall not be identified and included and described in the amended or corrected assessment roll for that year shall be free, clear and forever discharged of and from all taxes of that year and the lien thereof.

Errors in
assess-
ment.

§ 4. Any erroneous or unlawful assessment of any person for personal property, and any plural assessments of any piece of real estate within said city, appearing on the assessment roll of any of the years aforesaid, may be corrected by said assessors, on satisfactory proof to them of the existence of such error, whether the taxes imposed thereon shall have been paid or not.

Corrected
copies
each year.

Notices,
etc.

§ 5. Said assessors shall complete such corrections and make out a clean copy thereof for each year separately, and leave the same with the treasurer and receiver of taxes of said city, as soon as practicable after the passage of this act. They shall also, forthwith thereafter cause notices thereof to be put up at three or more public places in each ward, and to be published in at least one newspaper published in said city, once a week for three weeks. Such notices shall set forth that the assessors have completed their corrections, and that a copy thereof has been left with the treasurer and receiver of taxes of said city, where the same may be seen and examined by any person interested therein during six weeks, and that the assessors will attend at the office of the treasurer and receiver of taxes of said city, during the last three weeks specified in said notice, at least three days in each week, to review their corrections, on the application of any person conceiving himself aggrieved.

§ 6. In making and reviewing such corrections, said assessors shall have all the powers and be subject to all the duties of assessors of towns of this State, except as herein otherwise provided; and also except that lands of non-residents shall not be separated from the other assessments.

Review of
correc-
tions.

§ 7. After reviewing said corrections, said assessors shall, without delay, make and certify said corrections for each year separately and in duplicate, both copies thereof shall be delivered to said treasurer and receiver of taxes, who shall cause the several taxes then remaining unpaid to be extended against each plot or person, at the same rate per cent. on the valuation thereof as the original tax of the same kind for that year was extended, and thereupon such corrections, with the taxes so extended thereon, shall constitute and be and shall be deemed and taken to be a part of the assessment roll of that year, in the place and stead of the originals so corrected, with the same force and effect in all respects as if originally constituting a part thereof.

Proceed-
ings after
review.

§ 8. The several warrants heretofore issued by the common council of Long Island City for the collection of the city and ward taxes aforesaid are hereby ratified, approved and legalized in all respects, and no new, additional or further warrant from either said common council or said board of supervisors shall be necessary or required for the collection of such taxes, or any part thereof; but said treasurer and receiver of taxes shall proceed, under and by virtue of this act, and without any new, additional or further warrant, to collect such taxes, and every part thereof, together with the interest, the percentages or penalties, the charges of said treasurer and receiver, and all other charges and expenses prescribed by this act, or which shall hereafter become due thereon according to law; and to make the sales for non-payment thereof, and to execute and deliver the conveyances therefor where lands sold shall not be redeemed as hereinafter provided; and all moneys collected or received by him, from or on account of such taxes, interest, percentages or penalties, or from any sales of lands for the non-payment thereof, shall be forthwith credited and paid over to said city, and shall be applied to and used for the respective purposes for which the same was originally levied.

Collec-
tion war-
rants.

Collec-
tions.

Applica-
tion of
funds.

§ 9. All State, county, city and ward taxes heretofore levied in said city may be paid and discharged on or before the thirty-first day of July, eighteen hundred and seventy-six, with the addition of simple interest thereon at the rate of seven per centum per annum from the time the notices prescribed by sections sixteen and seventeen of title six of chapter four hundred and sixty-one of the laws of New York of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City," were first published respectively. There shall be added to all State, county, city and ward taxes which shall not be paid in full on or before the said thirty-first day of July, eighteen hundred and seventy-six, interest at the rate of twelve per centum per annum from the first publication of the notices above mentioned respectively, together with five per centum on such taxes as penalty for such default, and all interest and penalties which shall be collected on the taxes of the several years aforesaid shall be credited to and be for the use of said city.

When
taxes may
be paid.

Interest
and per-
centages.

§ 10. Immediately after the completion and review of such corrections, and the extension of the taxes hereinbefore provided for, the said treasurer and receiver of taxes shall cause a list of all unpaid taxes in said city for the years eighteen hundred and seventy, eighteen hundred

List of
unpaid
taxes.

and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three and eighteen hundred and seventy-four, and each of them, with the said penalty of five per centum added, and a memorandum of the time at which the interest at the rate of twelve per centum per annum aforesaid commenced to accrue, and for which such interest is chargeable, and the description of the premises as contained in said corrected assessment roll, to be published once in each week for at least eight weeks, consecutively, next preceding the day fixed for the sale of said lands, in one or more newspapers published in said city, together with a notice that, if the amount of such taxes, together with said penalty and interest added, and the expense of publication, and the said treasurer and receiver's charges be not paid to said treasurer and receiver on or before the day next preceding the appointed day of sale, which shall be designated in said notice, all and singular the said lots, plots and parcels of land described in said list will be sold at public auction at the office of said treasurer and receiver of taxes in Long Island City, at the time specified in said notice, or at such future time as the sale may be adjourned to, for the shortest period of time that any person may offer to take the same, in consideration of paying the said tax, with interest thereon at twelve per centum per annum to the day of sale, together with said penalty and all the expenses which shall have accrued as herein provided. Every publisher by whom any such notice shall be published shall forthwith, after the last publication thereof and before the day of sale designated therein, deliver to said treasurer and receiver of taxes an affidavit of the due publication of such notice, made by some person to whom the fact of such publication shall be personally known. Any neglect or refusal so to make or deliver such affidavit shall not invalidate or in any way affect the regularity or legality of such sale, but no publisher shall be entitled to any fees or payments for publishing such notice until after such affidavit shall have been made and delivered as aforesaid. If the amount of tax due (whether correctly mentioned in said list or not), together with said penalty, interest at twelve per centum per annum, expenses of publication, and the said treasurer and receiver's charges, shall be paid to said treasurer and receiver within the time limited in said notice, the said treasurer and receiver shall forthwith mark distinctly with red ink, opposite to and on the same line with the tax so paid, the word "paid," with the date of such payment, and he shall also deliver to the person making such payment a receipt therefor, and upon such payment being made, the lot, plot or parcel of land in respect of which such payment shall have been made shall be free, clear and forever discharged of and from the lien of the tax so paid, and all further proceedings in respect thereof shall be discontinued.

Affidavit
of publica-
tion.

Effect of
neglect,
etc.

Payment
before
sales.

Sales.

§ 11. The said treasurer and receiver, at the time and place of sale mentioned in said notice, shall cause such lands and premises to be sold at public auction for the payment of such taxes, or such part thereof as may then be remaining unpaid, and the said interest thereon at twelve per cent. per annum and said penalty, together with the charges of said treasurer and receiver, and the expenses of advertisement and sale, and the proportionate share of other expenses chargeable to such lands under the provisions of the twenty-second section of this act. Such sale shall be for the shortest term of years for which any person will take the premises and pay the amount of tax, together with said interest, penalty, charges and expenses, and said treasurer and receiver shall continue such sale from time to time until all such lands shall be sold. The said treasurer and receiver of taxes shall

make it an absolute condition with all persons purchasing at such sale that payment be made in full within forty-eight hours after the close of the sale of each day; and it shall not be sufficient for him to receive any sum or sums in part, but he shall in all cases, except where property is struck off to the city, demand and exact full payment of such tax, penalty, interest, charges and expenses to the date of such payment. Said treasurer and receiver of taxes and his sureties shall be liable to said city on his official bond for the full amount of such tax, penalty, interest, charges and expenses accrued and which shall thereafter accrue against any piece of property mentioned in any certificate of sale which shall be given without such payment, together with interest thereon at the rate of twelve per cent. per annum from the day of such sale; provided, however, that it shall be lawful for said treasurer and receiver of taxes, in case any purchaser or purchasers shall neglect or refuse to make such payment in full within forty-eight hours to cancel such sale at any time before the last day of the sale, and to resell such property on any day to which the sale hereby provided for may have been adjourned, without further notice, and upon the same terms and conditions herein prescribed.

Proceed-
ings in
case of
sale.

Liability
of treas-
urer, etc.

Proviso.

§ 12. Upon the sale and payment being made as aforesaid, said treasurer and receiver of taxes shall give to the purchaser or purchasers a certificate in writing, subscribed by said treasurer and receiver of taxes, containing the name of the purchaser or purchasers, a brief description of the premises sold, the term for which the same were sold, the amount of the tax, with the interest, penalty, charges of said treasurer and receiver of taxes, and expenses for which the sale was made, and the name of the owner or owners of the premises, according to the assessment roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises in case the same shall not be redeemed; and the said treasurer and receiver shall cause every certificate of sale given by him under this act, or for any parcel of land heretofore sold by him for the unpaid taxes of the year eighteen hundred and seventy-one, and all assignments thereof duly acknowledged, to be recorded in a book to be kept by the said treasurer and receiver for that purpose, which record shall be notice to all subsequent purchasers and encumbrancers to the same extent and with the same force and effect as the record of the conveyance of real estate by an individual, duly made in the county clerk's office of Queens county.

Certificate
of sale.

§ 13. The premises sold or resold as aforesaid may be redeemed from the sale by the owner, or any other person claiming an interest therein, by the payment of the amount bid at such sale, with interest at the rate of twelve per cent. per annum, calculated from the day of sale; such redemption payment to be made to the lawful owner of such certificate of sale, or to said treasurer and receiver of taxes, for the use of the purchaser or purchasers of the premises, or the legal representatives or assigns of such purchaser or purchasers, at any time within two years from the day of sale, or at any time before the expiration of the six months' notice mentioned in the fourteenth section of this act, or at any time before the execution and delivery of the lease in the said fourteenth section provided for.

Redemp-
tion.

§ 14. In case the premises sold shall not be redeemed within the time limited for that purpose, the said treasurer and receiver of taxes shall execute, acknowledge and deliver to the purchaser, his representatives or assigns, a lease of such premises subscribed by the said treasurer and receiver of taxes, which lease shall be for the term for which such premises were sold, computing the same from the expiration of

Proceed-
ings in
case of
non-re-
demption

Lessees
may take
possession.

Proviso.

Proceedings in
lands of
idiots or
infants.

two years from the day of sale, which lease shall be presumptive evidence that such tax was legally imposed, and that the sale and all acts and proceedings before and after such sale were regular, legal and valid in all respects. The person lawfully holding such lease may by virtue thereof obtain possession of the premises in the manner prescribed by law relative to persons holding over any real estate sold under execution, and shall and may lawfully have, hold and enjoy, the premises during the time specified in the lease against the owner or owners thereof, and all persons claiming under such owner or owners, but subject, however, to the lien of all taxes and assessments which may have been charged or levied thereon at the time of such sale, or which may be charged or levied thereon at any time thereafter, provided, however, that no owner or owners, whose deed or (in case he holds by descent or devise) the deed of whose ancestor or devisor, and no mortgagee, lessee, or assignee, whose mortgage, lease or assignment is recorded in the county clerk's office of Queens county, before the recording of the certificate of sale in the office of said treasurer and receiver of taxes, shall be divested of his right in said premises by reason of said sale, unless six months' notice in writing of such sale shall have been given by the purchaser or those claiming under him to such owner, mortgagee, lessee, or assignee personally, if actually then a resident of and dwelling within said city, or if not such resident and dweller, then by depositing such notice with the postage paid thereon, in one of the post-offices of said city, directed to such owner, mortgagee, lessee or assignee, at his place of residence as stated in the instrument under which he holds such interest as such owner, mortgagee, lessee or assignee, if such statement be made therein, and if not, then by serving such notice on said treasurer and receiver of taxes, who shall record the same in a book to be kept by him for that purpose, and note the fact of such service and record on the margin of the record of the certificate of sale; for which notice one dollar, besides the expenses of all necessary searches, shall be allowed and paid to the purchaser in case the premises shall be redeemed, and an affidavit of the service of such notice, with such searches, if any, annexed, and specifying the expenses thereof, shall be filed in the said treasurer and receiver's office, which affidavit shall be presumptive evidence of such service, residence and dwelling, and expense. The six months' notice above required shall be deemed and held to commence and run from the time of filing such proof of service with said treasurer and receiver, and whenever any real estate in said city shall be owned by two or more persons jointly or as tenants in common, and whenever any mortgage, lease or judgment being a lien thereon shall be owned by more than one person, a notice served on one of such persons shall be sufficient notice to all for any purpose requiring a notice under this act. Whenever such treasurer and receiver shall have satisfactory information that any lands or tenements so sold belonging to an idiot or insane person, for whose estate there shall then be no committee, or to an infant having no guardian, he shall not execute a conveyance of their lands or tenements until at least one month after he shall have legal evidence that such disability has been removed, or that a committee or guardian has been appointed, and until the expiration of said month such committee or guardian may redeem such lands or tenements in the same manner as hereinbefore provided. The person or persons lawfully holding such lease may, at the expiration of the term and within thirty days thereafter, remove all buildings put on the premises during the term of such lease.

§ 15. It shall be the duty of said treasurer and receiver of taxes at any sale of lands and tenements for unpaid taxes held under this act, to bid in for Long Island City, for the term of nine hundred and ninety-nine years, every lot, piece or parcel of land so put up for sale for which no person shall bid, and certificates of such sales shall be made by said treasurer and receiver to Long Island City in the same form and manner as to other purchasers; and all purchases in behalf or for the account of Long Island City shall be subject to the same rights of redemption as purchases by individuals, and if the lands and tenements sold shall not be redeemed, or shall not have been assigned as hereinafter provided within the time limited therefor by this act, said treasurer and receiver shall execute a lease therefor to Long Island City, or its assigns, with the same effect as in cases of leases to individual purchasers or their assignees.

Lack of
bids.

§ 16. It shall be the duty of the attorney and counsel to the corporation of Long Island City, in all cases of the purchase of any lands or tenements in the name of said city, to cause such notices to be served and acts to be done as are required by this act to be served or done by individual purchasers in like cases, and it shall be the duty of the said treasurer and receiver of taxes, at any time before the execution and delivery of such leases to Long Island City, to assign any certificate held by the city to any person who shall pay to him the amount which would be required to redeem such lands and tenements at the time of assigning said certificate, and thereupon such assignee shall have the same rights in all respects under such assigned certificate as though such sale had been originally made and such certificate issued to him.

Duties of
corpora-
tion coun-
sel and
treasurer.

§ 17. For each plat or parcel separately assessed said treasurer and receiver of taxes shall be entitled to demand and receive, for the expense of printing and publishing the lists and notices of sale, the sum of one dollar; in case the proceedings for sale shall be discontinued in accordance with the provisions of the tenth section of this act, said treasurer and receiver shall charge and receive for his own use for each plot or parcel separately assessed the sum of one dollar, and in case of sale the further sum of one dollar for all his charges and expenses of sale, up to and including the certificate of sale, but excluding such printing and publication, for recording such certificate or any assignment thereof in his office, twenty-five cents; and in case a lease shall be given as hereinafter provided, the said treasurer and receiver shall charge and receive the further sum of one dollar therefor, to be paid by the person or party receiving such lease.

Fees of
treasurer.

§ 18. Any tax referred to in this act, together with all interest, penalties, charges and expenses due or accrued thereon, may be apportioned to and among the different interests, portions or shares of, in or to which any parcel of real estate upon which such tax may be a lien, should be divided, or is in fact held, according to the ownership thereof, whether in severalty or otherwise, and as substantial justice may require, either before or after sale, and for that purpose the owner of any such portion, share or interest, or any party having any valid claim or lien thereon may apply to the county court of Queens county on petition duly verified stating the grounds of such application, and on eight days notice in writing to said treasurer and receiver of taxes and to the assessors of said city and to the other party or parties in interest, to have such tax or taxes apportioned as above provided. Said court shall summarily hear and determine such application and make such apportionment so far as practicable on such hearing, and shall make and file with the clerk of Queens county an order specify-

Taxing
share-
holders of
property.

ing the petitioner's portion, share or interest in such property, and the portion or share of such tax and interest, and of such penalties, charges and expenses, if any, properly chargeable thereon, and the portion or share properly chargeable to every other specific portion, share or interest, if any, which shall be ascertained on such hearing, and the portion or share properly chargeable on the residue, and upon receiving a certified copy of such order, said treasurer and receiver of taxes shall forthwith change said tax or assessment roll or books so as to conform to the directions and apportionment made by said order; and any owner of any such portion, share or interest, and any person having any valid claim or lien thereon, may pay or redeem in accordance with the apportionment so made and the provisions of this act; but no such partial payment or redemption shall affect or impair the lien of the residue of such tax, interest, penalties, charges or expenses upon the remaining portions, shares, or interests, nor shall it abrogate or impair any remedy or power for the collection thereof. If no redemption be made in the manner or within the time prescribed by this act, all persons entitled to redeem shall be barred of all right and title in and to the premises sold during the term of years for which the same shall have been conveyed, and whenever any payment before, or redemption after sale shall be made under the provisions of this, or the thirteenth section of this act, by any mortgagee or lienor (whether by judgment, decree or otherwise), such mortgagee or lienor shall have a further and additional lien under his mortgage, judgment or other lien, for the amount so paid, with interest thereon at the rate of seven per cent. per annum, which may be added to his mortgage, judgment, decree or other lien, on filing in the clerk's office of Queens county the receipt of said treasurer and receiver, duly acknowledged, showing the date of payment, the amount paid, and the description of the property affected thereby. Such clerk shall forthwith, and by appropriate entries, note the date of such filing, and the amount of such payment on the docket or record of such mortgage, judgment, or other lien, and from and after such noting, such additional lien shall be deemed and taken to be added to and to form part of such mortgage, judgment, decree, or other lien, and may be enforced and collected therewith in the same manner as though originally constituting a part thereof, and any lessee making such payment or redemption shall have a right of action against the lessor for the amount so paid by him, with interest at the rate of seven per cent. per annum.

Identifica-
tion of
property.

§ 19. The mayor of said city is hereby authorized and empowered to employ any former assessor of Long Island City to assist him in the identification of property referred to in the assessment rolls of the years during which he was such assessor, and in making such corrections and redescrptions, and to allow and pay, out of any moneys that may come into the city treasury, in payment of such arrears, such compensation, not exceeding three dollars per day for each day's actual service, as he may deem just, not exceeding in the aggregate, however, the sum of five hundred dollars. It shall also be lawful for said mayor to employ a surveyor, if, in his judgment, or that of the assessors making such corrections, the services of such surveyor will assist such assessors in the discharge of the duties devolved upon them by this act; and such surveyor shall be entitled to such reasonable compensation for his services as shall be agreed upon between him and the said mayor, not exceeding, in the aggregate, the sum of one thousand dollars.

Compen-
sation of
assessors.

§ 20. The assessors of Long Island City shall each receive the sum of three dollars per day for every day actually and necessarily employed

by them in discharging the duties devolved upon them by this act, which sum shall be in addition to the salary now allowed them, and shall be paid out of any moneys received for such arrears, in the same manner as their regular salaries are now by law paid. As compensation for the additional clerical assistance required in his office to carry out the provisions of this act during the year eighteen hundred and seventy-six, the treasurer and receiver of taxes of said city shall be paid a sum to be certified as proper by the mayor of said city, not exceeding one thousand dollars, such sum shall be paid out of the moneys received for such arrears. Of treasurer's clerks.

§ 21. The amount of compensation to be paid to said assessors, former assessors and surveyor, under the provisions of this act, shall be ascertained and certified by the mayor of said city to said treasurer and receiver prior to making any sale for unpaid taxes, and each piece or parcel of land sold shall be charged, in addition to the interest and penalty for non-payment of taxes, and all other charges and expenses hereinbefore mentioned, with its proportionate share of such compensation, to be estimated and determined upon by said treasurer and receiver, and added to the tax thereon before sale. The proportionate share of such compensation which would be chargeable upon any parcel of land, the taxes whereon, together with the interest, penalty, charges and expenses aforesaid, shall be paid in full before sale, shall be borne by said city, and paid out of any moneys realized from such arrears. Assessors and surveyors, how paid.

§ 22. Within one week of the first day of September, in the year eighteen hundred and seventy-seven, a like list, memorandum and notice (to that prescribed in section ten of this act) of, relating to and for the sale of all the unpaid taxes of the year eighteen hundred and seventy-five shall be made and published by said treasurer and receiver, and sales shall be made therefor, and the lands sold may be redeemed, and conveyances shall be given in the same manner, and on the same terms, and with the same force and effect in all respects, as is herein prescribed for the unpaid taxes of the years eighteen hundred and seventy, eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three and eighteen hundred and seventy-four; and all the provisions of this act shall apply to the unpaid taxes of the year eighteen hundred and seventy-five, and to all sales made therefor, and to redemptions from such sales, and to conveyances of lands not redeemed, and to the regularity and validity of all proceedings before and after sale, and to the powers and duties of all officers connected therewith, and to all rights affected by such sales in any way. Unpaid taxes of 1875.

§ 23. Should application be made, in any form, by any person, to any court or officer having jurisdiction thereof, to set aside any sale for unpaid taxes made under the provisions of this act, it shall be competent for such court or officer, if it shall appear that any error or irregularity affecting any substantial right has been committed, to make an order specifying such error and directing the proper authorities of Long Island City to correct the same, and, thereupon, such error or irregularity shall be corrected, as of the time the original act or thing requiring such correction was done, and any act required to be done by any of the provisions hereof, may be amended at any time, if any error or irregularity be discovered, and the amended acts shall have the same force and effect as the originals; and it is declared to be the intention of this act that the fullest power of amendment shall be vested in said assessors, and in said treasurer and receiver of taxes, and in all officers and parties connected with the execution of this act, and such power of amendment shall extend and apply to every step, proceeding, act or Proceedings in cases of errors.

thing required to be done hereunder, so as to promote substantial justice in the matter of enforcing the lien and collection of said unpaid taxes, so that no part of the property within said city shall escape or be exempted from paying its fair share of the expenses thereof, but that the whole of said expenses shall be borne equitably by all.

Money
from sales
vacated.

Proceed-
ing not af-
fected.

§ 24. Should any court or officer having jurisdiction thereof vacate or set aside any sale for unpaid taxes made under the provisions of this act, the purchase money and interest thereon shall be refunded to the purchaser, his legal representatives or assigns. Nothing in this act contained shall be so construed as to affect any action or proceeding now pending, and not herein specifically mentioned, for the collection of such taxes, or any part thereof; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, in so far as they affect or apply to Long Island City and the special objects of this act.

Neglect of
duty by
officers.

§ 25. If any officer concerned in the execution of this act shall willfully neglect or refuse to perform the duties assigned him, such officer shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, in the discretion of the court.

§ 26. This act shall take effect immediately.

Chap. 423.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica."

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica," is hereby amended so as to read as follows:

Duties of
police.

§ 8. The policemen authorized by this act shall have the same power and authority in criminal cases as constables possess by law, and shall have the same power and authority which a constable possesses in civil cases and proceedings, so far as serving and executing all process or papers in behalf of the corporation of the city of Utica is concerned, but not otherwise, and the chief of police shall, under the direction of said board of commissioners, have the same power and authority in criminal cases that the sheriff of Oneida county now possesses. Said policemen shall be subject to the same liabilities and perform the same duties as constables, except as herein otherwise provided. They shall execute the orders and commitments of the recorder and of the justices of the peace of said city, and of all courts held by him or them, and shall convey all persons sentenced by him or them to jail, to the penitentiary, or house of refuge, and they shall serve and execute all civil process or proceedings issued or directed by any officer or court in favor of said city, or in which said city shall be a party.

§ 2. Section fourteen of said act is hereby amended so as to read as follows:

§ 14. The common council of said city of Utica shall provide and keep in order such station houses, lock-ups, and other necessary accommodations as shall be required for the use of the police department, and all necessary houses and stables for the use of the fire department. They shall also construct and keep in repair such buildings as the city shall or may own for the use of the fire department, and all such buildings not owned by said city and necessarily required and used for said fire department, shall be rented by the commissioners herein created, and the rents thereof shall be paid from the police and fire department fund of said city, under their direction and control. Station houses.

§ 3. Section seventeen of said act is hereby amended so as to read as follows:

§ 17. The expenses of the fire department for apparatus and equipments, together with the cost of maintaining the same, and the salaries of the several officers and members of the said fire department, shall be paid by the treasurer of the city of Utica, on the warrant of the board, signed by its chairman and clerk, and authorized by a vote of a majority of its members. The said board shall have power to sell and dispose of any of the property under their direction and control, except real estate, when in their judgment the interests of the said city will be promoted thereby, and the avails of such sales shall be paid to the city treasurer, and by him placed to the credit of the police and fire department fund thereof; but shall be appropriated only to the purchase or repair of other personal property held by or required for the use of the fire department. And no sale of such property shall be made except by auction to the highest bidder, after at least ten days' notice of such sale shall have been published in the official papers of the said city. Expenses fire department.
Sales of city property.

§ 4. Section nineteen of said act is hereby amended so as to read as follows:

§ 19. The said board shall, within the first ten days of April, annually, prepare an estimate of the cost of maintaining the police and fire departments under their direction and control, which estimate shall be furnished to the common council of said city, and a copy thereof delivered to the city treasurer, and the said treasurer shall place the amount of such estimate to the debit of the city fund of said city, and credit the same on his books to the police and fire department fund, which fund shall be applied only to the payment of drafts or orders issued by said board of commissioners. In case the said board shall at any time determine that the amount annually so placed to the credit of the police and fire department fund is more than will be necessary to defray the expenses of said departments for such current year, the said city treasurer may by direction of said board of commissioners, transfer the excess thereof from the police and fire department fund to the credit of the city fund of said city. Estimate of expense of police and fire departments.
Surplus.

§ 5. The said board of commissioners may, in their discretion, also appoint a detective policeman, which appointment shall not be made public. The service under such appointment shall not exceed sixty days in any year without the consent of the common council of said city. Detective.

§ 6. The said board of commissioners shall, annually, on or before the first day of July, present a detailed statement to the common council of all moneys received and disbursed by them. Annual statement.

§ 7. This act shall take effect immediately.

Chap. 424.

AN ACT in relation to streets in Long Island City.

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amend-
ment of
map.

SECTION 1. The map or maps of Long Island City heretofore filed by the commissioner of streets, roads, avenues and parks in Long Island City, are hereby amended by striking off from the same the parts of streets laid down thereon and described as follows: That part of Front street between Fourth street and Fifth street; those parts of Third street and Fourth street lying west of the west line of Front street; and that part of Fifth street lying west of a line drawn across said Fifth street, and parallel with Front street, one hundred feet east of the easterly line of Front street. It is expressly provided, however, that the right of an outlet for sewer purposes, through Third and Fifth streets, from Front street to the East river and of entry and re-entry thereon, for the maintenance, repair and reconstruction of sewers, shall be continued and remain in Long Island City and its proper officers, agents, servants and employes, and in the improvement commissioners hereinafter mentioned, as provided in certain contracts heretofore made between the said commissioners and the owners of property adjoining said Third and Fifth streets respectively, under and pursuant to the provisions of chapter one hundred and seventy-eight of the laws of eighteen hundred and seventy-five, entitled "An act in regard to sewerage and other improvements in Long Island City." The map or maps aforesaid are hereby further amended so as to show Front street continued and extended from Borden avenue to the southerly line of First street.

Amend-
ment of
grades.

§ 2. It shall be lawful for the commissioners appointed by and under chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act to provide for improvements in and adjoining the First ward of Long Island City," by a unanimous vote of all the members of the board, to alter and amend the established grade in the following streets and avenues and parts thereof, within the improvement district constituted and established by said last mentioned act, viz.: Borden avenue from Vernon avenue to the East river, Front street from Borden avenue to Fourth street, Third street from West avenue to Front street, Fourth street from West avenue to Front street, Fifth street west of Vernon avenue, Sixth street west of Vernon avenue, and Vernon avenue from Borden avenue to Newtown creek, by depressing or reducing the present established grade so as to conform as nearly as practicable to the present surface of such streets and parts of streets respectively; also to depress or reduce the established grade of intersecting streets and avenues so far as necessary to conform to the depressions aforesaid, if made: Also to raise the grade of Fifth street from Vernon avenue to Jackson avenue, so as to conform as nearly as practicable to the present surface of the street as filled; and also to raise the grade of Eleventh street from Jackson avenue, westwardly, to the crown in the present established grade line of said street, between Ely and Van Alst avenues, also to raise the grade of Ely avenue from Jackson avenue to Twelfth street, so as to afford adequate cellar room above the sewers as laid on said Ely avenue and Eleventh street, respectively; and to make and file a

map or maps showing such altered or amended grade; and from and after the filing of such map or maps in the office of the Secretary of State of the State of New York, and in the office of the clerk of Queens county, and in the office of the city clerk of Long Island City, the altered or amended grades as shown and laid down on the map or maps by this section authorized to be filed as aforesaid, shall be the grade of the several streets and avenues or parts thereof, to which such maps relate, with the same force and effect in all respects as though such altered or amended grade had been originally so laid down and established according to law; but no such change of grade shall be made in any street or avenue, or part thereof, after the same shall have been paved, curbed, guttered or flagged; and the fact that such change, if any, was so made prior to such paving, curbing, guttering or flagging, shall be certified by said commissioners on each map so filed by them. Exception.

§ 3. It shall be lawful for said commissioners or for the common council of Long Island City, to accept a grant in fee for the purposes of a public street, from the owner or owners, for a nominal consideration of one dollar, of all that triangular piece of land bounded by East avenue, Jackson avenue and Sixth street, in the First ward of Long Island City, and on such grant being duly recorded in the office of the clerk of Queens county, such triangular piece of land shall become and be a part of the public streets of said city, and shall be improved as other streets and avenues, or parts thereof, are required to be improved by the act last aforesaid, and assessments shall be levied and collected for such improvement in the same manner as for other like improvements made under said last mentioned act. Acceptances of grants.
Assessments for improvement.

§ 4. This act shall take effect immediately.

Chap. 425.

AN ACT to provide for the completion or cancellation of all pending contracts for new work upon, and extraordinary repairs of the canals; and making an appropriation to pay the expenses of such necessary extraordinary repairs as may be approved of and directed by the Canal Board.

Passed May 25, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts or parts of acts heretofore passed appropriating or re-appropriating moneys for new work upon, or extraordinary repairs of the canals, except so far as the same relate to the enlargement or improvement of the Champlain canal, and the reconstruction of the Oneida Lake canal, are hereby repealed. Acts repealed.

§ 2. It shall be the duty of the State Engineer and Surveyor, as soon as practicable after the passage of this act, to report to the Canal Board all pending contracts for the construction of new work and extraordinary repairs, exclusive of those made under an appropriation for the reconstruction of the Oneida Lake canal; the condition of the work thereunder; which of them may be immediately closed or canceled without detriment to the State, and in his judgment, to what Report of pending contracts.

Canal Board to act thereon.

May settle with contractor.

Appropriation therefor.

Appropriation for specific work.

Appropriation.

Erie canal at Utica, for sewers.

Re-appropriation for wall at Rome.

Rome iron bridge.

extent it may be desirable to prosecute others to complete necessary improvements, or to protect and secure the work already performed. Upon the receipt and consideration of such report of the State Engineer and Surveyor, the Canal Board shall direct final accounts to be made in all such pending contracts, or the cancellation thereof, or the prosecution of the work thereunder to such extent as it shall approve, and in its opinion it may be necessary. The Canal Board is hereby authorized to settle with any contractor on such terms as to the said board may seem just and reasonable, provided that the sum paid to any contractor shall in no instance exceed the amount due to him by the terms of his contract. In order to carry out the provisions of this section, and to provide for the payment of all sums now due, and not otherwise provided for, or which may hereafter become due to contractors on final account, or on the completion of their contracts, with the interest now allowed by law on deferred payments, and all necessary engineering expenses, the sum of four hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any unexpended moneys in the treasury to the credit of the fund for extraordinary repairs.

§ 3. The further sum of one hundred and thirty-five thousand dollars is hereby appropriated out of any unexpended moneys in the treasury, to the credit of the fund for extraordinary repairs, for repairing the canal basin walls between Utica and Bridge streets in the city of Oswego, and excavating the bed of the river adjacent thereto, and also for the payment of the expenses of such extraordinary repairs and improvements of the Erie, the Champlain, the Oswego and the Cayuga and the Seneca canals, together with the reservoirs, feeders and other mechanical structures, connected therewith, as may be recommended by the State Engineer and Surveyor and Board of Canal Commissioners; and directed by the Canal Board pursuant to existing laws relating thereto; provided, however, that not more than thirty-five thousand dollars of the sum appropriated by this section shall be expended in repairing the canal basin walls, and excavating the river in the city of Oswego.

§ 4. The following sums are hereby appropriated out of any unexpended moneys in the treasury, to the credit of the fund for extraordinary repairs, and for the objects and purposes herein stated, to wit:

For the construction of two forty-eight inch cast-iron pipe sewers under the Erie canal at Utica, to be located, one at First street and one at State street, the sum of six thousand dollars, or so much thereof as may be necessary. Said sewers to be built under the direction of the State Engineer and the Commissioner in charge of the eastern division of the canals.

The three thousand dollars, or so much thereof as may be necessary, appropriated by chapter three hundred and ninety-nine, of the laws of eighteen hundred and seventy-four, entitled "An act to authorize a tax of seven-eighths of a mill per dollar of valuation, of the year one thousand eight hundred and seventy-four, for the construction of new work upon, and extraordinary repairs of the canals of this State," passed May ninth, eighteen hundred and seventy-four, for a retaining wall on the Erie canal on the north, and east side of the bridge, across the canal, on James street, in the city of Rome, along the southerly line of Whitesboro street, is hereby re-appropriated for said purpose.

For an iron bridge, with double roadway and foot passages, over the Erie canal at James street, in the city of Rome, and for the removal of the present bridge at that point, and its reconstruction at some other

point, to be designated by the Canal Commissioner in charge of the middle division, twelve thousand dollars.

Before any of the bridges mentioned in this section shall be constructed, or any expenditures shall be made thereon, the city, village or town, in which the same are to be located, shall fully indemnify the People of the State against any claim for damages that may arise in consequence of building such bridges, and further, that such city, village or town, in which any swing or hoist-bridge shall be erected, shall operate the same without any cost to the State, and shall build at its own cost the approaches to all such bridges. Restriction.

§ 5. There is hereby appropriated out of any unexpended moneys in the treasury to the credit of the fund for extraordinary repairs, the sum of four hundred thousand dollars, which sum, or so much thereof as shall be necessary, shall be expended upon the recommendation of the State Engineer and Surveyor and approval of the Canal Board, under the direction of the Canal Board, in deepening the water-way of the Erie canal, with a view to secure full seven feet of water in the Erie and Oswego canals by the opening of navigation in the year one thousand eight hundred and seventy-seven, so far as may be practicable. Deepening water way of canals.

§ 6. The State Engineer and Surveyor is hereby directed to cause a survey to be made of the Erie canal for the purpose of ascertaining the condition thereof, and where and in what particular it especially requires improvement. The State Engineer shall report the result of such survey to the Canal Board as early as practicable, together with his recommendation as to what improvement, if any, should be made upon the Erie canal, together with the probable cost of the same. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury to the credit of the extraordinary repair fund, to enable the State Engineer and Surveyor to carry out the requirements of this section. Survey of Erie canal.
Appropriation therefor.

§ 7. There is hereby appropriated out of the residue of any money in the treasury, or that may come into the treasury hereafter to the credit of the fund for extraordinary repairs, after paying the sums hereinbefore appropriated, and out of any money that may hereafter come into the treasury from any suits relating to canal affairs, as follows: To supply the deficiency in the canal debt sinking fund, under section three of article seven of the Constitution as it existed on the thirtieth day of September, eighteen hundred and seventy-five, the sum of six hundred and thirty thousand three hundred and twenty-five dollars and sixty-six cents. For interest on the aforesaid deficiency from the thirtieth day of September, eighteen hundred and seventy-five, the sum of ninety-three thousand and thirty-two dollars and fifty-six cents, or so much thereof as may be necessary. This appropriation is made in lieu of any other appropriation for the same purpose passed at this session of the Legislature. Appropriation.
Canal debt sinking fund.
Interest.

§ 8. Nothing in this act contained, or in any act heretofore or that may be hereafter passed appropriating moneys to be paid from the treasury of this State, shall in any manner be deemed to waive or to have waived any defense which the State may have or may have had against any claim or to waive or to have waived any right of action which the State may have, or may have had against any person; nor shall this act appropriating money be deemed to validate any fraudulent or illegal contract. Rights of State not affected.

§ 9. This act shall take effect immediately.

Chap. 426.

AN ACT to enable a wife to be a witness in cases of criminal conversation.

Passed May 26, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In an action for criminal conversation, the wife of the plaintiff may be a witness for the defendant, and shall be competent to give evidence, the same as any other witness, on behalf of such defendant, except that she shall not be permitted to disclose any confidential communication had or made between herself and her husband.

§ 2. This act shall take effect immediately.

Chap. 427.

AN ACT to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose," and the act amending the same, passed April twelfth, eighteen hundred and seventy-one.

Passed May 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose," passed April third, eighteen hundred and sixty-six, as amended by chapter four hundred and twelve of the laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Commissioners.

Route.

Non-resident highway taxes appropriated.

§ 1. Daniel Ames and Judson C. Ware, of the town of North Elba, and Willard Bell, of the town of Keene, in the county of Essex, are hereby appointed commissioners to complete a highway or road, commencing at or near lot number forty, in township one and two, old military tract, and running thence up the outlet of the Edmunds pond, and along the shores of said pond, and by the most feasible route, to or near lot number one hundred and eighteen Thorn's survey, and thence in a westerly course through the town of North Elba, so as to strike Cold Brook, in township number twenty-four, in Franklin county, and the highway taxes on all non-resident lands in the towns of Keene and North Elba, in the county of Essex, except such as are otherwise appropriated by chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy and chapter five hundred and seventy-five of the laws of eighteen hundred and seventy-five, and chapter four hundred

and thirty-three of the laws of eighteen hundred and seventy-two, shall be placed at the disposal of and paid to the before named commissioners, as hereinafter provided by sections two and four of this act.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. The county treasurer of the county of Essex shall pay over to the Comptroller, when he makes his annual return of the arrears of taxes, the amount of any highway taxes assessed upon any non-resident lands in the towns of Keene and North Elba, excepting such taxes as are appropriated by the chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy, and chapter five hundred and seventy-five of the laws of eighteen hundred and seventy-five, and chapter four hundred and thirty-three of the laws of eighteen hundred and seventy-two, which may have been paid over to the said treasurer. And the Comptroller shall pay over annually all such moneys so received by him to the said commissioners or their successors in office. And also a sum equal to the admitted arrears of taxes in said towns for the year eighteen hundred and seventy-four, excepting so much of the said arrears as may be otherwise appropriated by chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy, and chapter five hundred and seventy-five of the laws of eighteen hundred and seventy-five, and chapter four hundred and thirty-three of the laws of eighteen hundred and seventy-two.

County treasurer's duty.

Comptroller to pay to commissioners.

§ 3. Section eight of said act is hereby amended so as to read as follows:

§ 8. This act shall take effect immediately, and shall continue in force five years from the first day of January, one thousand eight hundred and seventy-five.

Act to continue five years.

Chap. 428.

AN ACT to amend chapter three hundred and thirty-three of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township number twenty-five in Franklin county.

Passed May 26, 1876; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter three hundred and thirty-three of the laws of eighteen hundred and seventy-two entitled "An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township number twenty-five in Franklin county," is hereby amended so as to read as follows:

§ 4. Martin Lester of the town of Potsdam, Elbridge Young of the town of Colton, and Clark Chaney of the township of Hollywood, in the town of Colton, in the county of St. Lawrence, are hereby appointed commissioners for the said road district, and they shall severally give bonds with security satisfactory to the Comptroller in the sum of one thousand dollars for the faithful performance of their duties under this

Commissioners.

Bonds of

Vacancies. act before entering upon the discharge thereof. The Comptroller shall fill all vacancies in the office of said commissioners who neglect to qualify within ninety days after the passage of this act, or which vacancy shall otherwise occur, and such neglect to qualify shall be deemed a refusal to serve and a vacancy. Said commissioners shall be paid out of the moneys received under this act three dollars for each day's services actually and necessarily performed in the discharge of their duties under this act, and they shall report annually to the Comptroller, under oath, an account of all their receipts and expenditures.

Compensation.

Report.

§ 2. This act shall take effect immediately.

Chap. 429.

AN ACT to provide for payment for the use and occupation of armories and drill rooms, in the city of New York.

Passed May 26, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payment of rentals. SECTION 1. Whenever any building or buildings in the city of New York, between the first day of January, eighteen hundred and seventy-one, and the first day of May, eighteen hundred and seventy six, has or have been, or shall be, in whole or in part, actually used and occupied as an armory or drill room or rooms, for any regiment or other organization of the National Guard of the State of New York, it shall be lawful for the comptroller of the city of New York to, and he shall, and the mayor, aldermen and commonalty of the city of New York are hereby made liable to pay for such use and occupation, during such period as has not been paid for, such compensation as shall be determined to be fair and reasonable by a commission consisting of the mayor and comptroller of the city of New York, and such commissioner of the department of taxes and assessments of the said city as the said comptroller shall, and he is hereby required to, designate, within ten days after the passage of this act; the determination of a majority to be the decision of the commission.

Amount adjusted.

Hearing of claimants. § 2. Claimants may be heard before the commission upon ten days' notice to the department of finance, and upon the hearing witnesses may be examined for and against the claim. The commissioners are, and each of them is, hereby authorized to administer an oath to witnesses. The attendance of witnesses may be compelled by subpoena, signed by any commissioner.

Determination. § 3. The commissioners, or a majority of them, shall certify and report in writing, and file in the office of the comptroller of the city of New York, their determination upon each claim brought before them, and such determination shall be final and binding upon all parties concerned.

Payments for. § 4. The comptroller of the city of New York is hereby directed to borrow upon bonds of the mayor, alderman* and commonalty of the city of New York, bearing interest at a rate not exceeding seven per cent. per annum, and payable at a period not to exceed three years from the date thereof, such amounts as shall be necessary to make all the payments herein provided for.

§ 5. This act shall take effect immediately.

* So in the original.

Chap. 430.

AN ACT to amend chapter five hundred and sixty-nine of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of the lands belonging to, and occupied by, the 'Seaman's Retreat' on Staten Island."

Passed May 26, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter five hundred and sixty-nine of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of the lands belonging to and occupied by the 'Seaman's Retreat' on Staten Island," is hereby amended so as to read as follows:

§ 3. Said board of trustees shall cause so many of said lots as shall not be necessary for hospital purposes or for the Mariners' Family Asylum, to be sold separately or in blocks, or several blocks together, or in one parcel, at public auction, to the highest bidder above said appraised value, at the "Merchants Exchange" salesroom, number one hundred and eleven Broadway, in the city of New York; provided, however, that said lands shall be sold in such manner and quantity or quantities as shall be directed by the Governor, Comptroller, and Secretary of State, or a majority of them; such direction to be stated in a certificate in writing, to be made by them or a majority of them, and filed and recorded in a proper book in the office of the Secretary of State. And, also provided, that said board upon inquiry and investigation, shall be of the opinion that the said lands will produce a larger sum if sold in one parcel, or by selling several lots together, they shall certify that fact in writing to the Governor, Comptroller, and Secretary of State, and if they, or a majority of them, shall concur in opinion with said board, such concurrence shall be indorsed upon such certificate, and the same shall then be filed and recorded in a proper book in the office of the Secretary of State; said board shall thereupon cause said lands to be sold in accordance with said opinion, but at a price exceeding said appraised value thereof. Notice of the time and place of the sale aforesaid, shall be advertised, daily, for eight successive weeks before the day of sale, in three daily papers published in the city of New York, two published in the city of Brooklyn, and one or more published in Richmond county. Upon such sale the purchaser shall execute and deliver to said board an agreement in writing, with sufficient sureties for the faithful performance thereof, to be approved by said board, describing the lot or parcel purchased by him, and agreeing to pay the amount of the purchase money to the "People of the State of New York," at a time to be therein specified, which shall not exceed thirty days from the day of such sale. The president of said board shall thereupon execute and deliver to said purchaser a certificate stating the name of such purchaser, a description of the lands purchased, and the sum to be paid, and the said board shall then transmit said agreement to the Comptroller.

Sale of lands.

Notice of sale.

Agreement to be executed by purchaser.

Certificate of sale.

§ 2. Section four of said act is hereby amended so as to read as follows:

§ 4. If the purchaser to whom such certificate shall be delivered, or his representatives or assigns, shall, within thirty days from the date

Letters patent.

If purchaser fails to pay.

thereof, present the same to the Comptroller, and shall pay to the Comptroller the full amount of the purchase money named in said certificate, the Comptroller shall certify that fact upon the agreement so delivered to him, and letters patent shall thereupon be issued to the persons entitled to receive the same for the lands described in said certificate, which shall vest in the grantee therein named, the title to said land free and clear of all incumbrance. In case the purchaser of any such land shall fail to make payment of such purchase money within the time aforesaid, or within such further time as shall be granted by said board, not exceeding the period of sixty days, the said board of trustees shall proceed to re-advertise and sell such lands in the manner hereinbefore specified, to the highest bidder therefor, and said first purchaser shall be liable upon the agreement given by him as above provided, to make good to the People of the State any loss or damage which may result to them by reason of such failure.

§ 3. Section six of said act is hereby amended so as to read as follows:

Proceeds of sale.

§ 6. The proceeds arising from the sale of the lands shall be disposed of and applied by the Comptroller, as follows:

1. He shall pay the necessary costs and expenses of the appraisal and sale, and the proceedings connected therewith.

2. He shall apply so much thereof as may be necessary to pay off and discharge all incumbrances which, at the time of such sale, shall be a lien upon said land.

3. He shall next apply so much thereof as may be necessary to pay off and discharge all such debts and liabilities of the institution, under the charge of said board, as shall be made to appear to him to be just and proper claims.

4. Ten per cent. of the remainder shall be paid to the board of managers of the Mariners' Family Asylum.

5. The amount remaining in his hands shall be invested by him in United States or New York State stocks, or in any of the sinking funds of this State, for the benefit of the board of trustees of the Seaman's Fund and Retreat of the city of New York, the income whereof shall be paid semi-annually to the said board of trustees, and shall be used by them for the maintenance of the said Seaman's Retreat Hospital, and for the care of sick and disabled seamen, and for no other purpose whatever.

§ 4. Section eight of said act is hereby amended so as to read as follows:

Burial of deceased persons.

§ 8. From and after the first day of June, eighteen hundred and seventy-six, the burial of deceased persons shall cease in every part of the ground now held by the trustees of the Seaman's Retreat.

§ 5. Section nine of said act is hereby amended so as to read as follows:

Exemption from provisions of act.

§ 9. The six acres of land designated on the survey made by George M. Root, surveyor, occupied by the Mariners' Family Asylum, together with the buildings thereon, and the right of way therefrom to Bay street, are hereby exempted from each and all of the provisions of this act, said six acres of land are bounded and described as follows, namely: beginning at the corner formed by the intersection of the westerly side of William H. Vanderbilt's land and the northerly side of R. Davidge's land, and running thence along the land of said R. Davidge, south eighty-six degrees, fifty minutes, west three hundred and fifty-five and six-twelfths feet; thence along the lands of C. Clegg and J. D. Dix, south sixty-four degrees, west four hundred and ninety-five

and seven-twelfths feet; thence north thirteen degrees forty minutes, west three hundred and seventy-six feet; thence north seventy-six degrees twenty minutes, east eight hundred and thirty-three and six-twelfths feet; thence southeast one hundred and twenty and one-twelfth feet to the land of William H. Vanderbilt, and thence along his land south thirteen degrees forty-five minutes, east two hundred and sixteen feet to the place of beginning, containing six acres of land, together with a right of way from said tract of land to Bay street.

§ 6. This act shall take effect immediately.

Chap. 431.

AN ACT further to amend chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State."

Passed May 26, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," is hereby amended so as to read as follows:

§ 13. There shall be four terms of the Court* Appeals in each year, to be held at the Capitol in the city of Albany, on the first Tuesday of January, the fourth Tuesday of March, the third Tuesday of June, and the last Tuesday of September, and continued for as long a period as the public interests may require. But the judges of said court may, in their discretion, appoint one of said terms in each year to be held in the city of New York. Additional terms shall be appointed and held at the same place by the court, when the public interest requires it. The court may by general rules provide what causes shall have a preference on the calendar. On a second and each subsequent appeal to the Court of Appeals, or when an appeal has once been dismissed for defect or irregularity, the cause shall be placed upon the calendar as of the time of filing the first appeal, and may be noticed and put on the calendar for any succeeding term; and whenever in any action or proceeding in which the People of this State, or any State officer, or any board of State officers, or the mayor, aldermen and commonalty of the city of New York is or are sole plaintiff or defendant, an appeal has been or shall be brought from any judgment or order for or against him or them in any court, such appeal shall have a preference in the Supreme Court and in the Court of Appeals, and may be moved by either party out of order on the calendar. And actions in which one of two or more plaintiffs or defendants shall have died pending the action, and the pendency of the action prevents a final settlement of the estate of the deceased party, shall be preferred on the calendar.

Terms of
Court of
Appeals,
etc.

Preferred
cases.

§ 2. Section twenty-four of said act is hereby amended so as to read as follows:

* So in the original.

Places of
holding
courts,
etc.

Adjourn-
ments.

§ 24. The places appointed within the several counties for holding the general and special terms, circuit courts, and courts of oyer and terminer, shall be those designated by statute for holding county or circuit courts. If a room for holding the court in such place shall not be provided by the supervisors, it may be held in any room provided for that purpose by the sheriff, as prescribed by section twenty-eight. General and special terms of the Supreme Court or county courts, and circuit courts and courts of oyer and terminer, may be adjourned to be held on any future day, by an entry to be made in the minutes of the court; and jurors may be drawn and summoned for an adjourned circuit or county court, or an adjourned court of oyer and terminer, and causes may be noticed for trial at an adjourned circuit or county court, in the same manner as if such courts were held by original appointment. A special term of the Supreme Court, for the hearing of motions only, may be adjourned to a future day, and to the chambers of any justice of the court residing within the judicial district, by an entry in the minutes, and then adjourned from time to time as the justice holding the same shall order and direct. An action triable by the court without a jury, may be tried at an adjourned term held at chambers, by consent of both parties, but not otherwise. In that case, the attendance of the clerk, the sheriff, the crier, or any constable, is not required, unless the justice directs one or more of these officers to attend.

§ 3. The thirteenth subdivision of the thirtieth section of said act is hereby amended so as to read as follows:

Supreme
Court to
have juris-
diction of
actions in
county
court.

13. To grant new trials, or affirm, modify or reverse judgments in actions tried in such court upon exceptions, or case made subject to an appeal to the Supreme Court; but in any action or proceeding pending in the county court, or before the county judge, in which the county judge is, for any cause, incapable of acting, it shall be his duty to make a certificate of such fact and file the same in the office of the clerk of such county court, and thereupon jurisdiction of such action or proceeding shall be vested in the Supreme Court, and such further proceedings shall be had therein according to the practice of such court, as might have been had in the county court, if such cause or matter had remained therein; but all such matters shall be heard or tried in the first instance at a special term or circuit court, held in a county where such action or proceeding is situated, except that proceedings pending before the county judge may be continued before a justice of the Supreme Court of the same judicial district.

§ 4. Section thirty-one of said act is hereby amended so as to read as follows:

Court
always
open.
Terms.

§ 31. The county court is always open for the transaction of any business for which no notice is required to be given to an opposing party. At least two terms in each county for the trial of issues of law or fact, and as many more as the county judge shall appoint, shall be held in each year at the places in the counties respectively designated by statute for holding county or circuit courts, on such days as the county judge shall from time to time appoint, and may continue as long as the court deem necessary. Notice of such appointment shall be published in the State paper at least four weeks before any such term, and also in a newspaper (if any) printed in the county so many of such terms as the county judge shall designate for that purpose in such notice, may be held for the trial of issues of law, and hearing and decision of motions and other proceedings at which no jury shall be required to attend, and terms of the county court for the trial and decision of causes, and for the hearing and decision of proceedings not

Notice to
be pub-
lished.

requiring a jury, and for the hearing and decision of appeals from justices' courts, in all actions and proceedings in which a new trial cannot be had in the county court, and for the hearing and decision of motions, may may* be appointed as hereinbefore provided, to be held at the chambers of the county judge. And the county judge may adjourn any regularly appointed term of the county court to his chambers, and by an entry in the minutes adjourn the cause from time to time, and at such adjourned terms any business may be transacted that could be done at a regularly appointed time at chambers. Business at chambers.

§ 5. The first paragraph of subdivision ten of section fifty-three of said act is hereby amended so as to read as follows:

10. An action to recover the possession of personal property claimed, the value of which is stated in the affidavit of the plaintiff, his agent or attorney, shall not exceed the sum of two hundred dollars. Recovery of personal property.

§ 6. The last paragraph of section one hundred and thirty-five of said act is hereby amended so as to read as follows:

In actions for the foreclosure of mortgages on real estate, or for the foreclosure of any lien on personal property already instituted, or hereafter to be instituted, if any party or parties having any interest in, or lien upon such mortgaged premises or such personal property, are unknown to the plaintiff, and the residence of such party or parties cannot, with reasonable diligence, be ascertained by him, and such fact shall be made to appear, by affidavit, to the court or to a justice thereof, or to the county judge of the county where the trial is to be had, such court, justice or county judge may grant an order that the summons be served on such unknown party or parties, by publishing the same for six weeks, once in each week, successively, in the State paper, and in a newspaper printed in the county where the premises or such personal property are situated, which publication shall be equivalent to a personal service on such unknown party or parties. Service of papers on unknown parties, etc.

§ 7. Section ninety-four of said act is hereby amended by adding thereto, as subdivision two, the following:

2. An action for injury to the person.

§ 8. Section one hundred and seventy-three of said act is hereby amended so as to read as follows:

§ 173. The court may, before or after judgment, and upon the trial, in furtherance of justice, and on such terms as may be proper, amend any pleadings, process or proceedings by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, or by inserting other allegations material to the case, or, when the amendment does not change substantially the claim or defense, by conforming the pleading or proceeding to the facts proved. Amendment of pleadings etc.

§ 9. Section two hundred and fifty-six of said act is hereby amended so as to read as follows:

§ 256. At any time after issue, and at least fourteen days before the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least twelve days before the court, with a note of the issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served, and the clerk shall thereupon enter the cause upon the calendar according to the date of the issue, and shall prepare and have ready for distribution copies of said calendar five days before the court. In the first judicial district there need be but one notice of trial, and one note of issue from either party, and the action shall then remain on the calen- Notices of trial.

* So in the original.

Prepay-
ment of
fees.

Applica-
tion there-
of.

Stenogra-
pher.

Salary.

Duties.

Fees.

Stenogra-
pher for
extra cir-
cuit.

For courts
of oyer
and ter-
miner.

For surro-
gate's
court.

dar until disposed of, and when called may be brought to trial by the party giving the notice. In every action in which issue of fact is now joined and the action is now placed upon the calendar of the Supreme Court of the first judicial district, or of the superior court of the city of New York, or of the court of common pleas for the city and county of New York, the party who shall have filed such note of issue, shall, as a condition precedent to such action being brought to trial, pay to the clerk of the court the sum of three dollars; and in every action in either of the said courts, commenced after the passage of this act, the party who shall file therein a first note of issue of fact, shall, as a condition precedent to such filing, pay to the clerk of the court the sum of three dollars; and the amounts so received shall be accounted for under oath, and paid over monthly by the clerk of each of said courts, to the comptroller of the city of New York, and by him deposited in the county treasury to be used as a fund for the payment of the salaries of stenographers employed in said courts, as provided for in this section, but this shall not apply to cases where the fee of three dollars has once been paid. If the fund thus created be inadequate to pay such salaries the additional amount necessary for such payment shall be appropriated and paid from the fund of county contingencies, to which fund any surplus of the sums so paid over to the comptroller as hereinbefore provided shall be credited. Each of the courts hereinbefore named shall appoint a stenographer for the circuit, trial term or special term at which issues of fact are tried, which constitutes a separate branch of such court, who shall be a sworn officer of the court, shall hold office during the pleasure of the court, and shall be paid a salary of twenty-five hundred dollars per annum, in like manner as the salaries of other officers of the courts are now paid. It shall be the duty of every stenographer so appointed for any circuit, trial term or special term, under the direction of the presiding judge thereof, to take full stenographic notes of all proceedings in every trial thereat; and in case the presiding judge shall require a transcript of said stenographic notes, he may order the expense thereof to be paid equally by the parties to the action, at the rate of ten cents for every one hundred words so transcribed, and may enforce payment thereof; and the amount so paid, together with the sum paid as a condition precedent to the cause being brought to trial, or to the first note of issue being filed, as hereinbefore provided, shall be deemed a necessary disbursement within the meaning of section three hundred and eleven of the Code of Procedure, and shall be allowed as such to the prevailing party in the action. At any extra circuit, trial term or special term of said courts, the presiding judge thereof shall appoint a stenographer for such extra circuit or term, who shall, in like manner aforesaid, be a sworn officer, and who shall be paid a compensation at the rate and in the manner hereinbefore provided. When a court of oyer and terminer shall be held in and for the city and county of New York, the presiding judge thereof shall designate one of the stenographers of the Supreme Court to act as stenographer of such court of oyer and terminer during its session, who shall, in like manner as aforesaid, be a sworn officer, but who shall receive no compensation in addition to his salary as hereinbefore provided, except that in case a transcript of his stenographic notes taken on the trial of any criminal cause be required for the use of the presiding judge, or of the district-attorney, the expense thereof shall, on the order of such judge or district-attorney, be paid as a county charge at the rate hereinbefore specified. The surrogate of the county of New York is hereby authorized and directed to appoint

a stenographer to the surrogate's court of said county, who shall be a sworn officer of the court, and shall be paid a salary of three thousand dollars a year, in like manner as the salaries of clerks in said court are now paid by law from the fees of said court paid into the treasury of the county of New York. The stenographer so appointed shall be skilled in the practice of his art, and shall hold his position during good behavior, and so long as he efficiently discharges the duties of his office. He shall, under the direction of the said surrogate, take full stenographic notes of all proceedings in said court, in which oral proofs shall be given, which notes shall be fairly transcribed, and, after being signed by the witnesses, deponent or affiant, shall be filed in the office of said surrogate. By consent of the parties to the proceeding in which such proofs shall be taken, and said surrogate, the signing of such record of proof by the witness, deponent or affiant, may be waived, in which case such record, after being authenticated by the certificate of said stenographer, or said surrogate, shall be deemed to be the record of any proofs or proceedings so taken. In other counties of this State, on trials of issue of fact, at any circuit court, or court of oyer and terminer, it shall be lawful for the presiding justice, in his discretion, to employ a stenographer, who shall be entitled to such compensation as shall be certified by such justice, not exceeding five dollars for each day's attendance at such court, at the request of such justice, and ten cents a mile for travel from his place of residence to the place where the court is held, together with such sum for stationery as the presiding justice shall certify, which compensation shall be a charge upon the counties in which such courts shall be held, respectively, and shall be allowed and paid from the court fund in like manner as other charges are allowed and paid from it. It shall be the duty of such stenographer to furnish to any party to such trials, upon request, a copy of the evidence and proceedings taken by him on such trials, or of such part thereof as may be required, on payment, on behalf of such party, of ten cents for every one hundred words of the copy so furnished. In the surrogates' courts of the counties of New York and Kings, and of any other counties in which a stenographer is or shall be duly authorized to take stenographic notes of proceedings in said courts, in which oral proofs shall be given, in case of the death of any witness, deponent or affiant, after examination and before the stenographer's notes of such examination shall have been transcribed, such notes, after being fairly transcribed and authenticated by the certificate of the surrogate, shall be filed in his office, and be deemed to be the record of the proofs so taken, without any signing thereof by such witness.

Stenographers in other counties.

Compensation.

Duties.

Stenographer's notes evidence in case of death of witness.

§ 10. Section two hundred and fifty-eight of said act is hereby amended so as to read as follows:

§ 258. Either party giving the notice may bring the issue to trial and, in the absence of the adverse party, unless the court, for good cause, otherwise direct, may proceed with his case, and take a dismissal of the complaint or a verdict or judgment as the case may require. A separate trial between a plaintiff and any of the several defendants may be allowed by the court whenever, in his opinion, justice will thereby be promoted. No inquest shall be taken in any case for want of an affidavit of merits in cases where the pleadings are verified.

Bringing issue to trial.

§ 11. Section three hundred and nine of said act is hereby amended so as to read as follows:

§ 309. These rates shall be estimated upon the value of the property claimed or attached or affected by the adjudication upon the will or

Allowances, how computed.

Foreclos-
ures of
mortgage.

instrument or sought to be partitioned, or the amount found due or unpaid upon the mortgage in an action for foreclosure. And whenever it shall be necessary to apply to the court for an order enforcing the payment of any installment falling due after judgment, in an action for foreclosure the plaintiff shall be entitled to the rate of allowance in the last section prescribed, but no more in the aggregate than if the whole amount of the mortgage had been due when judgment was entered. Such amount of value must be determined by the court or by the commissioners in case of actual partitions. In difficult and extraordinary cases, where a defense has been interposed, or in such cases where a trial has been had, and in actions or proceedings for the partition of real estate, the court may also, in its discretion, make a further allowance to any party not exceeding five per cent. upon the amount of recovery or claims or subject-matter involved. And in an action for the foreclosure of a mortgage, the court may make like allowance, not exceeding two and a-half per centum nor the aggregate sum of two hundred dollars nor shall a greater sum than fifty dollars be charged by or allowed to any sheriff, referee, or other officer for his fees, percentage or services for any sale under a decree or judgment of foreclosure. But in no action whatever shall an allowance of more than two thousand dollars be made to any party, or to all the parties, if more than one on either side.

§ 12. Section three hundred and fifteen of said act is hereby amended so as to read as follows:

Costs on
motions.

§ 315. Costs may be allowed on a motion in the discretion of the court or judge, not exceeding ten dollars, and necessary disbursements for printing, and may be absolute, or directed to abide the event of the action; if absolute and not paid within ten days after service of a copy of the order directing the payment thereof, all proceedings in the action on the part of the party or parties so in default shall be stayed without further order of the court until the same are paid.

§ 13. Section three hundred and thirty-one of said act is hereby amended to read as follows:

Appeals
to the
Court of
Appeals.

§ 331. The appeal to the Court of Appeals under subdivisions two, three and four of section eleven of this Code, must be taken within sixty days after written notice of the order shall have been given to the party appealing; every other appeal allowed by the second chapter of this title must be taken within one year after written notice of the judgment shall have been given to the party appealing; and the appeals allowed by the third chapter of this title must be taken within sixty days after written notice of the judgment or order; but the time to appeal from judgments and orders heretofore entered shall be the same as before the passage of this act.

§ 14. Section three hundred and thirty-five of said act is hereby amended so as to read as follows:

Undertak-
ing on ap-
peal.

§ 335. If the appeal be from a judgment directing a payment of money, it shall not stay the execution of the judgment, unless a written undertaking be executed on the part of the appellant, by at least two sureties, to the effect that if the judgment appealed from, or any part thereof, be affirmed, or the appeal be dismissed, the appellant will pay the amount directed to be paid by the judgment or the part of such amount as to which the judgment shall be affirmed, if it be affirmed only in part, and all damages which shall be awarded against the appellant upon the appeal. Whenever it shall be made satisfactorily to appear to the court that since the execution of the undertaking, one or more of the sureties have become insolvent, the court

may by rule or order, require the appellant to execute, file and serve a new undertaking as above; and in case of neglect to execute such undertaking, within twenty days after the service of a copy of the rule or order, requiring such new undertaking, the appeal may, on motion to the court, be dismissed with costs. Whenever it shall be necessary for a party to any action or proceeding to give a bond or an undertaking with surety or sureties, he may in lieu thereof deposit with the officer, or into court, as the case may require, money to the amount for which such bond or undertaking is to be given. The court in which such action or proceeding is pending, may direct what disposition shall be made of such money, pending the action or proceeding. In any case, where, by this section, the money is to be deposited with an officer, a judge of the court at special term, or at chambers, upon the application of either party, may before such deposit is made, order it to be deposited in court instead of with such officer; and a deposit made pursuant to such order shall be of the same effect as if made with such officer.

May
deposit
money in
lieu.

Disposi-
tion of
money.

§ 15. Section three hundred and ninety-one of said act is hereby amended so as to read as follows:

§ 391. The examination, instead of being had at the trial, as provided in section three hundred and ninety, may be had at any time before the trial, at the option of the party claiming it, before a judge of the court or a county judge (or a referee appointed by a judge of the court), on a previous notice to the party to be examined, and any other adverse party, of at least five days, unless for good cause shown the judge order otherwise. But the party to be examined shall not be compelled to attend in any other county than that of his residence, or where he may be served with a summons for his attendance.

Examina-
tions.

§ 16. This act shall take effect July first, eighteen hundred and seventy-six.

Chap. 432.

AN ACT to provide for a further supply of pure and wholesome water for the twenty-third and twenty-fourth wards of the city of New York.

Passed May 27, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioner of public works of the city of New York is hereby authorized to expend for materials, and labor, and other services, in such manner as the said commissioner shall deem for the best interests of said city, in laying pipes, and doing such other things as may be necessary to the distribution of Croton water, for the extinguishment of fires and all other purposes, that may be required in the twenty-third and twenty-fourth wards of said city of New York, a sum not exceeding three hundred thousand dollars. The work connected with the laying of such pipe shall be done and performed by contract, entered into by the department of public works of said city, founded on sealed bids or proposals, made in compliance with public notice, duly advertised in the City Record, said notice to be published

Appropri-
ation.

Contract
for work.
How let.

at least ten days, and all such contracts when given shall be given to the lowest bidder, the terms of whose contract shall be settled by the counsel to the corporation as an act of preliminary specification to the bid or proposal, and who shall give security for the faithful performance of his contract in such amount as may be required and the adequacy and sufficiency of said security shall, in addition to the justification and acknowledgment, be passed upon and determined by the comptroller of said city within twenty days from and after the declaration of the award of said contract. All bids or proposals shall be publicly opened by the officers advertising for the same, and in the presence of said comptroller, but the opening of the bids shall not be postponed if the comptroller shall after due notice, fail to attend. If the lowest bidder shall neglect or refuse to accept to contract within forty-eight hours after written notice that the same has been awarded to his bid or proposal, or if he accepts, but does not execute the contract and give the proper security, it shall be re-advertised and relet as above provided. In case any work shall be abandoned by the contractor, it shall be re-advertised and relet by the commissioner of public works in the manner in this section provided. And any bid shall be rejected which, if at the time it is submitted is not accompanied by a certified check payable to the order of the comptroller of the city of New York, for an amount equal to one per cent. of the entire amount named in the bid, which said check shall be forfeited to the city in case the bid shall be accepted and the bidder or bidders shall not furnish good and sufficient sureties for the performance of the contract thereunder and the said sureties shall not justify according to law, and upon the justification of the said sureties the said check shall be returned to the contractor, and in either of such cases, it shall be lawful to re-advertise for the performance of such work, and furnishing such supplies and materials, and to receive new bids or proposals therefor. The amount herein authorized to be expended is hereby declared to be in reduction to that extent of the amount authorized to be expended under chapter four hundred and seventy-seven, of the laws of eighteen hundred and seventy-five.

Failure of
lowest
bidder to
accept.

Abandon-
ed work.

Forfeiture
required.

Chap. 477,
laws 1875,
how af-
fected.

Payment
for work.

§ 2. It shall be the duty of the comptroller of the city of New York, and he is hereby authorized and directed, to borrow upon bonds or stocks of the mayor, aldermen and commonalty of the city of New York, such amounts as the commissioner of public works shall from time to time, deem necessary to carry out the provisions of the first section of this act, not, however, exceeding in the whole, the sum of three hundred thousand dollars. And the mayor and comptroller of said city of New York, are hereby authorized and directed to sign such bonds; such bonds shall be entitled "Croton water main stock of the city of New York," and shall bear interest at a rate not exceeding seven per cent. per annum, and shall be redeemable in not less than ten nor more than fifty years from the date of their issue as the said comptroller shall determine to be for the best interest of said city. Such bonds shall not be disposed of for less than the par value thereof, and it shall be the duty of the clerk of the common council of said city, to countersign the same and affix the seal of the city thereto. And the proper authorities of the city and county of New York, are hereby authorized and directed to cause to be raised, from time to time, by tax upon the estates, real and personal, subject to taxation in the city and county of New York, the sum of money which may be required to pay the interest on said bonds and to redeem them at maturity.

§ 3. The money to be raised by virtue of this act, shall be applied and expended for the purposes authorized by this act, and for no other purpose whatever. Applica-
tion of
funds.

§ 4. The faith of the city and county of New York, and the revenues thereof, are hereby pledged for the payment of the interest of said bonds or stock, and the redemption of the principal of said debt hereby created, and the bonds authorized to be issued under this act. Pledge.

§ 5. This act shall take effect immediately.

Chap. 433.

AN ACT to amend chapter fifty-six of the laws of eighteen hundred and seventy-one, entitled "An act to provide a further supply of pure and wholesome water for the city of New York."

Passed May 27, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of chapter fifty-six of the laws of eighteen hundred and seventy-one, entitled "An act to provide a further supply of pure and wholesome water for the city of New York," is hereby amended so as to read as follows:

§ 8. If in executing any of the provisions of this act it becomes necessary or proper to use, occupy or overflow the ground now occupied by a public highway, the aforesaid mayor, aldermen and commonalty may either raise the surface of such highway above the surface of the water, or acquire the title for and cause a new and convenient highway to be laid out and constructed in lieu thereof, provided said highway shall be located subject to the approval of the board of supervisors of Putnam county, and the said commissioners shall make due and reasonable allowance to parties injuriously affected by the alteration on any road ; said new highway shall be of as great width and as well drained and graded as the one discontinued. When such new highway has been completed, the said commissioner of public works shall deposit a map of the same in the office of the clerk of the town or of the towns in which said highway is located. The said new highway shall thereupon become a public highway, in lieu of that occupied by the works constructed pursuant to this act. When
highway
is used for
water pur-
poses.

Map to be
filed.

§ 2. This act shall take effect immediately.

Chap. 434.

AN ACT to provide for the audit and payment of claims for repairs, printing, labor and other incidental matters in and about public school buildings, incurred during the years eighteen hundred and sixty-nine, eighteen hundred and seventy, eighteen hundred and seventy-one and eighteen hundred and seventy-two, by the trustees of the common schools of the several wards in the city of New York, and to provide means therefor.

Passed June 1, 1876 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Audit of
claims for
school
buildings.

SECTION 1. The board of education of the city of New York are hereby authorized and required, within thirty days after the passage of this act, to audit and adjust the several claims which have heretofore been filed with the clerk of said board in the office of said board for mechanics' services and other expenses relating to the school buildings under the charge of said board, and which remain unadjusted for the years eighteen hundred and sixty-nine, eighteen hundred and seventy, eighteen hundred and seventy-one and eighteen hundred and seventy-two, which claims, in the aggregate, shall not exceed twenty-five thousand dollars.

Comptrol-
ler to issue
bonds.

§ 2. Within ninety days after the passage of this act, the comptroller of the city of New York is hereby directed to borrow, on the credit of the mayor, aldermen and commonalty of the city of New York, on bonds of the said city, to be denominated revenue bonds, and in anticipation of the collection of the taxes to be levied and imposed on the property, real and personal, subject to taxation in the city and county of New York for the year one thousand eight hundred and seventy-six, the sum of twenty-five thousand dollars, or so much thereof as may be necessary for the purpose of paying the claims which are referred to in section one, and which shall be audited and adjusted by said board. The revenue bonds herein mentioned shall bear interest at the rate of not exceeding seven per cent. per annum.

Payment.

§ 3. It shall be the duty of the said comptroller of the city of New York, from the moneys derived from the sale of said bonds, to pay the amount of such claims as he shall deem to be just after the same have been allowed and certified to him as correct and just by the auditor of accounts in the finance department, and no claims referred to in section one shall be paid until after certification thereof is made to the finance department by the board of education.

Tax au-
thorized.

§ 4. The board of estimate and apportionment of the city of New York are hereby authorized, directed and required to cause to be included in the taxes to be levied and raised in the said city of New York for the year one thousand eight hundred and seventy-six, upon the estate subject to taxation in the city and county of New York, an amount sufficient to pay the revenue bonds herein directed to be issued by the said comptroller in anticipation of the collection of the said taxes, with all interest due or to become due thereon.

§ 5. For the purpose of this act, all acts or parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 435.

AN ACT to amend chapter two hundred and ten of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plank roads and of companies to construct turnpike roads," passed May seven, eighteen hundred and forty-seven.

Passed June 2, 1876.

The People of the State of New York, represented in Senate and Assembly
do enact as follows :

SECTION 1. No more toll per mile shall be taken, as provided by the ^{Tolls.} terms of chapter two hundred and ten of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plank roads and of companies to construct turnpike roads," passed May seven, eighteen hundred and forty-seven, than for the number of miles which shall be traveled by the person or persons using such roads to the end that where diverging roads strike any plank road or turnpike road, at or near any toll-gate, the toll charged for using such plank road or turnpike road shall commence from the point of such divergence, and the toll charged shall be only for the distanced traveled on such plank road or turnpike road, provided however, that fractions of cents may be made units of cents in favor of said plank or turnpike road; provided, that the board of supervisors of ^{Proviso.} any county in which any such plank road or turnpike may be situate, and for so much thereof as shall lie within said county, shall by a majority vote, pass a resolution, declaring it to be proper that such discrimination shall be made.

§ 2. This act shall take effect immediately.

Chap. 436.

AN ACT to amend chapter six hundred and four of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor."

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly,
do enact as follows :

SECTION 1. The second section of an act entitled "An act to provide for the surveying, laying out and monumenting of certain portions of the city and county of New York, and to provide means therefor," ^{Classification and opening of streets.} passed June fifth, eighteen hundred and seventy-four, is hereby amended by adding at the end thereof, the following: On the maps or plans prepared and filed in accordance with the provisions of this act, the said commissioners of the department of public parks shall designate each street, avenue or road, as belonging to one of three classes. A street, avenue or road of the first class shall be such as in the judgment of

said commissioners, is or may be needed for the convenience of the general public, either as a main route of travel, or for drainage. The streets of this class may be opened by the board or department of the city government having control of such opening, whenever in their opinion the interest of the public demands such opening or grading. A street, avenue or road of the second class shall be such as in the judgment of said commissioners is or may be needed for the use or convenience of the inhabitants of certain areas or districts, as thoroughfares but which are not main routes of travel. Streets of this class shall be opened only on the petition of the owners of at least one-third of the linear feet of frontage on such streets, and the streets intersecting the same for five hundred feet in each direction from such intersection. A street, avenue or road of the third class shall be such as in the judgment of the said commissioners is or may be needed only for the subdivision of the property through which it passes. Streets of this class shall be opened or graded only on the petition of the owners of at least three-fourths of the linear feet of frontage on such streets.

§ 2. This act shall take effect immediately.

Chap. 437.

AN ACT to amend the charter of the American Institute of the city of New York.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and forty-eight of the laws of eighteen hundred and twenty-nine, entitled "An act to incorporate the American Institute in the city of New York," is hereby amended so as to read as follows:

Incorpo-
ration.

§ 1. John Mason, Curtis Bolton, Anson Hayden, and such other persons as may become members of the corporation hereby created, are constituted and declared to be a body politic and corporate, by the name and style of "The American Institute of the city of New York;" and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and may have a common seal, and change and alter the same at pleasure; and that they and their successors, by the said name, shall be capable in law to purchase, take, receive and hold any estate, real or personal, either by devise or otherwise, to the use of them and their successors; and to lease, sell, and convey, or otherwise dispose of the same, as to them shall appear most advantageous for promoting the purposes of their incorporation. But the yearly income of such real and personal estate shall not, at any time, exceed the sum of fifty thousand dollars.

Purposes
of corpo-
ration.

§ 2. The said incorporation is hereby incorporated for the purpose of encouraging and promoting domestic industry in this State and the United States, in agriculture, commerce, manufactures, and the arts, and any improvements made therein, by bestowing rewards and other benefits on those who shall make any such improvements, or excel in any of

the said branches, and by such other ways and means as to the said corporation, or the trustees thereof, hereafter mentioned, shall appear to be the most expedient; and the estate and funds of the said corporation, after paying all proper charges and expenses, shall be exclusively devoted to all the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purchase and holding of any real estate, and erecting any buildings thereon for the benefit and accommodation of the members of the said corporation, and of those who may attend their fairs and exhibitions; which real estate they may again sell, and reinvest as they may find expedient to promote the interests of the corporation, and they may appropriate a portion of the annual income to establish and maintain professorships and lectures in said city of New York on natural history, physics, and chemistry, and their application to the useful arts. Professor-ships.

§ 3. The officers of said corporation, to be elected as hereinbefore provided, shall be a president and twelve trustees, who, together, shall constitute the board of trustees. They shall, out of their own number, annually appoint a recording secretary and a treasurer of the institute. To the board of trustees is confided the management and direction of affairs of the corporation comprehended in section two, and who shall represent said corporation in its legal capacity, and have power to adopt and enforce all needful rules and regulations, and to use all methods and means required for such management and direction; conditioned, nevertheless, that they shall not interfere with the power reserved exclusively to the members of the corporation in section four. The term of office of the said trustees shall continue until his or their successor is elected. No person shall be eligible to the position of trustee, manager, auditor, inspector of election, or to any committee, unless he shall be a member of the institute in good standing, nor shall any person continue in either of the above named positions after he shall have become ineligible thereto. Any vacancy which may occur in the board of trustees may be filled by the remaining members of the said board until the next annual election, when such vacancy shall be filled for the unexpired term. If any vacancy shall occur in the board of managers (hereinafter provided for) the same may be filled by the remaining managers; any vacancies in "standing or special committees and other officers," referred to in section thirteen, may be filled by the board of trustees. Officers.
Management.
Term of management.
Persons eligible.
Vacancies.

§ 4. The members of the said corporation, at their regular or special meetings, shall * power to make and establish such by-laws, rules and regulations as they shall judge proper for the admission, government, and expulsion or suspension of members; for imposing and collecting admission fees and fines from members, and for regulating the meetings hereinafter provided for. By-laws.

§ 5. On the second Thursday in February in every year there shall be an election by the members of the said corporation. At the first election held after the passage of this act, there shall be elected a president for the year then next ensuing; four trustees for the year then next ensuing, two of whom shall be designated upon the ballot as the vice-president for the year; four trustees for the two years then next ensuing, and four trustees for the three years then next ensuing; and at every subsequent annual election the members of the said corporation shall elect, by ballot, a president for the year then next ensuing, and four trustees for the three years then next ensuing, two of whom shall Election of officers.

* So in the original.

be designated upon the ballot as vice-presidents, and as such vice-presidents shall act for the year then next ensuing.

How held. § 6. The election first to be held under this act shall be held by three inspectors of election, to be appointed by the existing board of trustees, subject to the directions and vested with the authority by this act given to the inspectors hereafter to be elected.

Meetings. § 7. There shall be an annual meeting of the corporation on the first Thursday in February of every year (also three other regular meetings each year, namely, on the first Thursday in May, August, and November) of the members of the said corporation, to be held at some convenient place in the city of New York; notice of all meetings and elections shall be given by the trustees, for the time being, in three of the principal daily newspapers published in said city, once a day consecutively for ten days preceding said meetings. At such annual meetings

Notice. the trustees shall render an account or report of the transactions, business, property, financial and general condition of the corporation. This report, duly audited, as directed in section nine, by the board of auditors, and signed by the trustees, shall be printed and presented to the members of the corporation, at least ten days before the first Thursday in February.

Trustees' report. **Printing of report.** § 8. There shall also be elected by ballot, at the said annual election of the corporation, a board of fifteen managers, whose duty it shall be to attend to and conduct the details of all annual or special exhibitions of the American Institute which may be ordered by the board of trustees, to whom they shall report the financial and other results of such exhibitions in detail; and they shall perform all of their duties under the direction and supervision of the board of trustees.

Board of managers. § 9. There shall also be elected by ballot, in the manner herein provided for the election of officers, at the first election that occurs after the passage of this act, three auditors, one for one year, one for two years, and one for three years (the respective term of each to be named on the ballot), and annually thereafter, at the same time, and in the same manner, there shall be elected one auditor for the then ensuing three years, each to hold office until his successor shall be elected. The same shall constitute a board of audit, to whom the annual account or report herein directed to be made by the trustees, to the members of the corporation, of the transactions, the business and property, and the financial condition of the corporation, shall be submitted at least ten days before the day of the annual meeting on the first Thursday in February, and by whom the said report shall be first certified in writing under their respective signatures, to be in all particulars correct, before the trustees, whose duty it is hereby made, shall be permitted to present the same for the action of the members of the corporation, at their annual meeting as herein provided. Any vacancy which may occur in the board of auditors may be filled by the board of trustees.

Auditors. § 10. There shall also be elected by ballot, in the manner and subject to the regulations herein provided for the election of officers, three inspectors of election, to hold office for the term of one year, and until their successors shall be elected. Any vacancy which may occur in the office of inspector of elections may be filled by trustees.

Vacancies. **Inspectors of election.** § 11. The annual election shall be held by the three inspectors above mentioned, who shall keep the polls publicly open and accessible to all the members for ten hours, opening at ten o'clock A. M., and closing at eight o'clock P. M. They shall be the judges of said election, and upon the closing of the polls shall forthwith proceed publicly to canvass the votes, and shall thereupon certify to the members of the cor-

Annual elections.

poration then and there present the persons elected to the several offices, and they shall immediately forward to the persons so elected a certificate of their election to their respective offices. The right to vote of any person offering to vote at said election may be challenged by a member of the corporation entitled to vote, and thereupon the inspectors shall examine the persons so challenged under oath, by one of them administered, as to his right to vote, and shall accept or reject his vote as in their judgment seems proper. A plurality of all the votes cast at an election shall be sufficient to elect.

Challenge
of voters.

Plurality
to elect.

§ 12. Special meetings shall be called by the president, on the written request of fifty members of the institute, which request shall set forth the object for which such meeting shall be called. It shall be the duty of the president, and in his absence of the vice-president present whose name ranked highest on the ballot, to preside at all meetings of the board of trustees, and at all meetings, whether annual, general, regular, or special, of the members of the corporation.

Special
meetings.

§ 13. All standing and special committees, and other officers, not otherwise provided for, shall be appointed from among the members of the corporation by the board of trustees.

Commit-
tees.

§ 14. The trustees shall demand and take security from the treasurer, and from each and every salaried officer appointed by them, in such amount and with such sureties as may in their opinion best guard the interests of the institute, and every contract or obligation for that purpose shall be valid in law.

Salaried
officers to
give secu-
rity.

§ 15. If an election of the said officers, elective by the members of said corporation in this act named, shall not be held in any year at the time appointed for that purpose by this act, the said corporation shall not, for that cause, be dissolved; but the said trustees for the time being, shall order such election to be held at such other time and at such place as may by them be deemed proper in said city, they giving and publishing such notice as is hereinbefore required in the case of a general meeting of the members for the purpose of an annual election, which said meeting and election shall be subject to the provisions of section seven, applicable to the general meeting and annual election therein named.

Failure of
election.

§ 16. Should this act become a law before the third Thursday in April, eighteen hundred and seventy-six (the day now fixed for holding the annual election), then the election herein provided for, to wit: the second Thursday in February of each year, shall be held thirty days after this act shall have become a law. The trustees and others to be elected under this act shall, when elected at the election to be held in eighteen hundred and seventy-six, hold their respective positions under the conditions herein stated until the next annual election, to wit: the second Thursday in February, eighteen hundred and seventy-seven, or until their successors are elected; excepting those who were elected for two years, whose term of office shall continue until the second Thursday in February, eighteen hundred and seventy-eight, or until their successors are elected, also excepting those who were elected for three years, whose term of office shall continue until the second Thursday in February, eighteen hundred and seventy-nine, or until their successors are elected.

In case
act be-
comes a
law before
April 20th.

§ 17. This act is hereby declared to be a public act, and shall be favorably construed in all courts and places, for the purposes thereby intended; and no misnomer of the said corporation, in any deed, grant,

A public
act.

gifts, devise, bequest, or other instrument, contract or conveyance, shall defeat or vitiate the same, if the corporation be sufficiently described to show or ascertain the intention of the parties.

Present
officers.

§ 18. Until the election of the officers, elective both by the members of the corporation and by the trustees thereof, by these amendments provided for, shall take place, the officers of the said corporation shall be and remain as at present elected and constituted, subject, nevertheless, to all the directions, regulations and restrictions in these amendments contained and otherwise applicable.

Act re-
pealed.

Rights not
affected.

§ 19. The act entitled "An act to amend and enlarge the powers of the American Institute of the city of New York," passed April twenty-first, eighteen hundred and sixty-six, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but nothing herein contained shall be so construed as to impair, take away, or in any wise affect any franchise, right, interest, property, claim or demand of or belonging to said corporation, or any claim, demand, action or proceeding against the same.

§ 20. The Legislature shall have the right at any time hereafter to repeal, alter, or modify this act.

§ 21. This act shall take effect immediately.

Chap. 438.

AN ACT to reappropriate moneys for the payment of awards made by the Canal Appraisers, and expenses attending the same, and the payment of awards made by the Canal Board.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Vetoed by the Governor.

Re-appro-
priation
of funds
of 1874.

§ 2. The unexpended balance of one hundred and seventy-nine thousand one hundred and two dollars and forty-eight cents, appropriated by act chapter four hundred and sixty-two of the laws of eighteen hundred and seventy-four, entitled "An act to authorize a tax of seven thirty-seconds of a mill per dollar of valuation for the payment of the awards of the Canal Appraisers and of the Canal Board, and to pay certain certificates of indebtedness on interest now outstanding," passed May thirteenth, eighteen hundred and seventy-four, to pay the awards of the Canal Appraisers for the year eighteen hundred and seventy-three, and the interest thereon, being the sum of three thousand four hundred and nine dollars and two cents, or so much thereof as shall remain unexpended on the thirteenth day of May, eighteen hundred and seventy-six, is hereby reappropriated for the same object, or for payment of the awards made in lieu thereof, on appeals from the original awards, by the Canal Board or by the Canal Appraisers, on any rehearing of such cases.

Re-appro-
priation
of funds
of 1875.

§ 3. The sum of twenty-five thousand dollars, being a portion of the sum of one hundred and ninety-five thousand three hundred and thirty-one dollars and fourteen cents, appropriated by section one of the act, chapter two hundred and sixty-three of the laws of eighteen hundred and seventy-five, entitled "An act to authorize a tax of one-fifth of a

mill per dollar of valuation for the payment of the awards of the Canal Appraisers, of the Canal Board, and of the Board of Canal Commissioners, and to pay certificates of indebtedness on interest now outstanding," passed May twelfth, eighteen hundred and seventy-five, for the payment of the certificates issued for the awards made by the Canal Appraisers in cases heard between the first day of January, eighteen hundred and seventy-four, and the fifteenth day of March, eighteen hundred and seventy-five, and the interest thereon, which sum of twenty-five thousand dollars, being in excess of the amount required for that purpose, is hereby appropriated for the following objects:

To pay the awards made by the Canal Appraisers in the calendar year of eighteen hundred and seventy-five, and the interest to accrue thereon, the sum of fifteen thousand dollars. Awards of 1875.

For paying witness fees, the counsel and agents employed by the Canal Commissioners, or either of them, and the Canal Appraisers, for their services, disbursements and expenses incurred in the defense of claims against the State, connected with the canals, the sum of ten thousand dollars; provided, however, that all bills or accounts for such services, disbursements or expenses shall, before payment, be presented to and audited by the Canal Board. Witness fees, etc.
Audit by Canal Board.

The sum of two thousand and fifty-nine dollars and fifty-two cents, being a portion of the sum of sixty-five thousand and seventy-six dollars and five cents, appropriated by the aforesaid act, to pay the awards made by the Canal Board between the first day of April, eighteen hundred and seventy-four, and March fifteenth, eighteen hundred and seventy-five, is hereby reappropriated to pay Enoch Snell, assignee of William H. Williams, the principal and interest of an award made said Williams by referee, under act chapter three hundred and eighty-three of the laws of eighteen hundred and fifty-two, as modified by the Canal Board, December twenty-eight, eighteen hundred and fifty-five, and for the payment of which no special appropriation has been made previously by the Legislature. Re-appropriation to Enoch Snell.

Chap. 439.

AN ACT relating to the expenses of judicial sales in the county of Kings.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All sales of real estate made in the county of Kings under judgment or decree of any court, except sales in action of partition and where the sheriff of said county is a party, except where both parties to a suit agree upon a referee to be appointed by the court, shall be made by the sheriff of the county of Kings. Sales under judgment.

§ 2. In cases of sales on foreclosure, he shall be entitled to receive the following fees, and no more: Fees.

For receiving order of sale and posting notices of sale, ten dollars.

For attending sale, ten dollars.

For drawing each deed of premises sold, five dollars.

For attending and adjourning a sale at the request of the plaintiff in the action, or by order of the court, three dollars.

For making report of sale, five dollars.

For paying over surplus moneys, three dollars.

And all disbursements made by him for advertising, at the rates allowed by law therefor, fees of officers for taking acknowledgments and administering oaths, and all auctioneers' fees actually paid by him to licensed auctioneers, but not to exceed for such auctioneers' fees ten dollars for each parcel separately sold, which auctioneers' fees shall be paid by the purchaser of the parcel, in addition to the amount bid by him therefor.

§ 2.* This act shall take effect immediately.

Chap. 440.

AN ACT to amend an act entitled "An act to incorporate the city of Cohoes, passed May nineteenth, eighteen hundred and sixty-nine, and the acts amendatory of the same, passed May eleventh, eighteen hundred and seventy-one," passed March fourth, eighteen hundred and seventy-two.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. After section twenty-six of chapter seventy-nine of an act entitled "An act to amend an act entitled An act to incorporate the city of Cohoes, passed May nineteenth, eighteen hundred and sixty-nine, and the act amendatory of the same, passed May eleventh, eighteen hundred and seventy-one," passed March fourth, eighteen hundred and seventy-two, insert the following:

Appoint-
ment of
recorder.

§ 27. Immediately upon the passage of this act, and thereafter from time to time, as required by this act, there shall be appointed by the mayor of the city of Cohoes a recorder for said city, who shall hold his office during the term of four years, or until his successor shall be appointed by the mayor and duly qualified as hereinafter prescribed.

Vacancies.

Qualifications.

Whenever a vacancy shall occur in said office by death, removal from the city or removal from office, as provided for law, the mayor shall appoint a recorder to fill such vacancy. No person shall be so appointed recorder unless he shall be a resident of the city of Cohoes, and shall have been for at least one year previous to such appointment duly admitted to practice as an attorney, counselor and solicitor in the several courts of this State. And the said recorder may be removed from office in the same manner and for the same cause as is provided by law for the removal from office of justices of the peace of towns in this State.

Removal.

Jurisdiction.

§ 28. The recorder of said city, so appointed under this act, shall have jurisdiction over all crimes or offenses committed within said city of Cohoes, and authority to exercise all the power, and discharge all the duties, and be subject to all the provisions of law conferred or imposed on, or applicable to, justices of the peace in criminal cases in the several towns in this State; and he shall have all the powers of justices of the peace in towns or of courts of special sessions held by justices of the peace in towns in all criminal cases and matters, and such other and additional powers as are hereinafter conferred upon him; and as such

* So in the original.

court of special sessions shall have jurisdiction of offenses of the grade of misdemeanors; and as to the powers and duties hereinbefore enumerated, the said recorder shall have, over all offenses committed or charged to have committed within said city of Cohoes, sole and exclusive jurisdiction. And all power and authority conferred upon said recorder by this act shall be exercised by him within said city of Cohoes.

§ 29. The said recorder shall have authority, subject to the provisions The same. of this act, to hear and determine charges for crimes or offenses in the cases enumerated in section first, title third, chapter second of the fourth part of the Revised Statutes, and also all complaints and charges against any person for the commission of any of the acts and offenses designated in the first section of title fifth, chapter twentieth of the first part of the Revised Statutes, and the acts amendatory thereof; and also all offenses triable by courts of special sessions in towns; and also the following charges (which are hereby declared to be offenses, and the persons committing the same disorderly persons) to wit: indecent exposure of the person, disturbing the people or public peace by noisy, tumultuous, riotous conduct, and upon conviction for any such offenses shall have power to punish, by fine not exceeding two hundred and fifty dollars, or by imprisonment in the Albany penitentiary at hard labor for a term not exceeding one year or by both such fine and imprisonment. The provisions of this section shall apply to all of the above designated crimes and offenses when committed either within the said city of Cohoes or the county of Albany. When any person charged with any crime or offense, jurisdiction of which to hear and determine is conferred upon said recorder by this section, or shall be charged with habitual drunkenness or disorderly conduct, shall be brought before said recorder, such recorder shall, upon conviction of such offender, have power to punish, by fine not exceeding two hundred and fifty dollars or by imprisonment in the Albany penitentiary at hard labor for a term not exceeding one year, or by both such fine and imprisonment.

§ 30. Where any person charged with any crime or offense specified Trials. in the preceding section, shall be brought before such recorder, it shall be his duty forthwith to try and determine the complaint, or charge against such person, according to the provisions of said article first, title third, chapter second, of the Revised Statutes, whether the person charged with such offense requests to be tried or not, and no other court or officer shall have jurisdiction to try such person for such offense, except as hereinafter provided; and before entering upon such trial said recorder may in his discretion adjourn the hearing or trial thereof, from time to time, for the purpose of procuring material testimony, either on the part of the People or the accused, and said recorder may commit the accused to the Cohoes jail, until such adjourned day, or suffer such accused to go at large, upon his or her executing to the People of the State of New York, and filing with said recorder, a bond with one or more sureties to be approved by him, in the penalty of not exceeding five hundred dollars, conditioned for the personal appearance of the accused before said recorder, on the day to which said hearing or trial shall be adjourned, and that he will not depart therefrom without leave of the court. Whenever a defendant, tried before a court of special sessions held by said recorder for any offense, jurisdiction of which is not conferred upon courts of special sessions by the Revised Statutes, shall be convicted, said court shall render judgment thereupon and inflict such punishment, by fine or imprisonment, or both, as any other court having jurisdiction of the offense could inflict as provided by statute, and shall have the same

Oaths.

Fees.

To exercise powers of county judge, etc.

In case of absence or inability.

When trial by jury is not guaranteed.

Commitments.

Forfeited recognizances.

jurisdiction to sentence and punish the person so convicted, as courts of sessions, or courts of oyer and terminer, for the same offense. Said recorder, after having duly qualified in accordance with the provisions of this act, shall have the same power and authority to administer oaths, take affidavits, and acknowledgments of deeds and other instruments, as are possessed by justices of the peace of towns, and shall be entitled to charge the same fees therefor, except from any person or officer acting for or in the business of the city of Cohoes; and said recorder shall also have and exercise the same powers as are conferred upon county judges by section twenty-seven of "An act to amend an act in relation to the judiciary, passed May twelve, eighteen hundred and forty-seven," passed December fourteen, eighteen hundred and forty-seven; and said recorder shall further have and exercise, within said city of Cohoes, the powers given to a county judge by sections two hundred and ninety-two to three hundred and two, inclusive, and by section four hundred and three of the act entitled "An act to amend an act entitled 'An act to simplify and abridge the practice, pleadings, and proceedings of the courts of this State,' passed April twelve, eighteen hundred and forty-eight," passed April eleven, eighteen hundred and forty-nine, and the amendments thereto. In case of sickness, absence from the city, disability or inability to act of the said recorder, his powers and duties, except the powers of county judges enumerated in this section, and the powers of a justice of the Supreme Court at chambers, are hereby conferred and imposed upon either of the justices of the peace of said city of Cohoes, to be designated to act for the time being by the mayor, except that such justice shall not have jurisdiction to try any offense not heretofore triable by courts of special sessions; and in case any warrant issued by said recorder shall be returned during his absence from the city, or sickness, any further proceedings on such warrant may be had before the justice of the peace so designated as herein provided; and said justice of the peace having once entered upon the trial of an action under this section, and not otherwise, may proceed to the determination of it, and shall be entitled to receive the sum of three dollars per diem for every day actually spent in such trial, to be audited, allowed and paid in the manner provided by law, and a like sum shall be deducted from the annual salary of said recorder. In signing process he shall add to his official title "acting as recorder." The recorder of said city, or justice of the peace acting as such, may hear, try and determine, in a summary way, any complaints for any violation of the laws of the State, or the provisions of this act, or of the ordinances of said city of Cohoes, in any case where the right to trial by jury is not guaranteed by the Constitution, but in all cases in which such right is guaranteed he shall sit as a court of special sessions. And whenever said recorder, or justice of the peace acting as such, sitting as a court of special sessions or otherwise, shall try, convict and sentence to the Albany penitentiary or other place of confinement provided by law, he shall file with the superintendent or keeper of said Albany penitentiary, or other place of confinement, a commitment of the person convicted, and with the clerk of Albany county, a record of such conviction.

§ 31. When a bond or recognizance, given as hereinbefore provided, shall be forfeited, it shall be delivered to the city attorney of said city of Cohoes, with a request indorsed thereon by the said recorder that the said city attorney commence an action to recover the penalty of said bond; and the city attorney shall thereupon commence such action without delay, in the name of the People and for the benefit of the city

of Cohoes, and prosecute the same to a determination. All money collected in such suits or upon such bonds, shall immediately be accounted for and paid over by said city attorney to the chamberlain of the city of Cohoes for the use and benefit of said city. Moneys to chamberlain.

§ 32. It shall be the duty of the said recorder to attend at his office from nine o'clock forenoon to noon, and from two to four o'clock afternoon, of each and every day, Sundays excepted, and to hear all matters within his jurisdiction. He shall not receive for his own use any fee for his services under this act, except for administering oaths and taking acknowledgments when not acting for or in behalf of said city, but he shall demand and receive in all proceedings before him and for all services rendered by him as such recorder the fees provided by law, and all fees and charges which may be legally payable whenever any suit or proceeding pending before him shall be settled or dismissed by consent. All such costs and fees and all fines imposed and collected by said recorder or such justice of the peace, acting as recorder, belonging to the city, shall be reported by said recorder or justice, at the close of each day's business, to the chamberlain of said city of Cohoes, and shall be paid in full to said chamberlain once in each week for the use and benefit of said city of Cohoes. Any fine imposed upon any person, who in default of the payment thereof shall have been committed to the Albany penitentiary or other place of confinement provided by law, by said recorder or justice of the peace acting as such, shall be paid to said recorder or justice, or shall be paid to such superintendent or keeper of said penitentiary or other place of confinement; and without such payment the person so committed shall not be released unless he shall have served out his full term of imprisonment, or shall have been discharged by law. The recorder shall keep an accurate account of all such fees and fines, and of all criminal business done by him which shall be a county charge; and shall annually, at the time of the presentation of claims against the county of Albany, make out and verify his account of all such business and present the same to the board of supervisors of said county of Albany, which board shall audit the same to the city of Cohoes and levy and collect the same as other county charges. The said recorder shall receive an annual salary of two thousand dollars, to be paid quarterly by the chamberlain of said city of Cohoes. Before entering upon the duties of his office said recorder shall take and subscribe before the clerk of Albany county, and file with such clerk, the Constitutional oath of office, and shall execute a bond to the city of Cohoes, in the penalty of five thousand dollars, with one or more sureties to be approved by the mayor, conditioned for the faithful discharge of the duties of his office as prescribed by this act. The docket of said recorder shall contain a record or statement of all convictions or judgments before him, which shall be open to public inspection during office hours. It shall be the duty of the officers of the police force of the city of Cohoes, and they are hereby empowered, to serve all process issued by said recorder or justice acting as such, including venires. The said recorder, in addition to the jurisdiction and powers hereinabove conferred, shall possess jurisdiction and authority for the issuing of process and for the trial and determination of all cases arising under the by-laws and ordinances of said city and for the enforcement of all forfeitures, fines and penalties imposed by the ordinances and by-laws of said city, and also in all actions for the enforcement of the rules and regulations of the board of health of said city. All such actions shall be commenced by warrant in the name of the city, upon Office hours.
Fees.
To be paid chamberlain.
Persons committed to remain until fine is paid.
County charges.
Salary.
Oath.
Bond.
Docket.
Police to serve process.
Additional jurisdiction.
Commencement of actions.

Com-
plaint.

Evidence.

In cases of
bastardy.Acting re-
corder,
appoint-
ment of.Transfer
of pro-
ceedings.Rooms,
etc., to be
furnished
by city.Fees of
justice of
the peace.

the request of the city attorney or any person authorized to commence the same, and execution may be issued therein immediately on the rendition of judgment. In any action brought before said recorder to recover any fine, penalty or forfeiture hereinbefore mentioned, or in any act in relation to the city of Cohoes, it shall only be necessary to state in the complaint the title and section or sections of said act, ordinance, by-law or regulation alleged to be violated, the time of its passage, and the amount of the penalty claimed. Any other facts may be given in evidence without being stated in the complaint such act, ordinance, by-law or regulation may be read in evidence before said recorder, either from copies of the same signed by the clerk, under the seal of the city, or from any printed volume containing the same, accompanied by a certificate signed by said clerk, that such volume was printed by authority of the common counsel of said city; said recorder shall also have, within said city, exclusive jurisdiction to issue all process and hear and determine all complaints and charges in cases of bastardy.

§ 33. After the appointment by the mayor of such recorder, and he shall have duly qualified in accordance with the provisions of this act, the mayor of said city of Cohoes shall designate one of the justices of the peace of said city as "acting recorder" in the cases hereinbefore enumerated (such designation to continue thereafter during the term of the office of such justice), and shall cause to be served upon said justice, by the clerk of said city, written notice of his selection and designation as aforesaid, and shall also cause to be served by said city clerk a written notice of the appointment and qualification of said recorder upon each of the justices of the peace of said city. All criminal proceedings and matters pending before either of said justices of the peace of said city of Cohoes, undetermined and so remaining at the time of the service upon him of the notice of the appointment and qualification of the recorder as hereinbefore provided, shall be thereby transferred to said recorder appointed under this act, and shall be by him continued, determined and disposed of according to law and the provisions of this act, and his disposition and determination of such action and proceeding shall be in all respects the same as though such matters and proceedings had been originally commenced before him; and on the service upon said justices of the peace of said city of the notice hereinbefore prescribed, their and each of their powers, duties and obligations in all criminal matters and proceedings shall be abolished and cease and determine, except as pertains to said justice of the peace when acting as recorder as hereinbefore provided. The said recorder shall be provided by said city of Cohoes with a suitable room or rooms in which to hold court and transact such other business as may come before him, and shall furnish all necessary blanks, blank books, books and stationery requisite for a proper discharge of the duties of his office.

§ 34. The justices of the peace of the said city of Cohoes elected to such office pursuant to chapter nine hundred and twelve of the laws of eighteen hundred and sixty-nine and the acts amendatory thereof and additional thereto, shall, from and after the first day of January, eighteen hundred and seventy-nine, be entitled to receive for their own use and benefit all of the fees and allowances in civil actions arising within their jurisdiction to which justices of the peace of towns in this State are by law entitled to receive, and which said fees and allowances are now required to be paid over by the justices of said city to the chamberlain thereof, for the use and benefit of said city of Cohoes. The above fees and allowances shall be in lieu of any salary, and shall be all the

compensation which said justices of the peace, or either of them shall be entitled to receive as such justice, except the additional compensation hereinbefore provided to be paid to one of said justices when acting as recorder.

§ 2. Section twenty-seven of chapter seventy-nine of the laws of eighteen hundred and seventy-two entitled "An act to amend an act entitled 'an act to incorporate the city of Cohoes, passed May nineteenth, eighteen hundred and sixty-nine, and the acts amendatory of the same, passed May eleventh, eighteen hundred and seventy-one,'" passed March fourth, eighteen hundred and seventy-two, is hereby designated section thirty-five.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 441.

AN ACT to release to Mary H. Halsted certain real estate in the city of Albany, and also all the personal property of which Louisa Elizabeth Wright, lately her aunt-in-law, died seized and possessed.

Passed June 2, 1876; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the People of the State of New York in and to that certain real estate lying and being in the city of Albany, on the south side of Madison avenue, between Swan and Dove streets, and particularly described in a certain deed executed by John Woodworth and Catharine, his wife, to George Wright, bearing date the third day of February, eighteen hundred and thirty-five, and recorded in the clerk's office of Albany county, in liber ninety-five of conveyances, page four hundred and six, on November thirteenth, eighteen hundred and forty-eight, are hereby granted and released to Mary H. Halsted, the niece-in-law of the said Louisa Elizabeth Wright, deceased.

Descrip-
tion of
lands.

Release.

§ 2. All the right, title and interest of the People of the State of New York in and to all personal property belonging to and owned by the said Louisa Elizabeth Wright, at the time of her decease, are hereby granted and released to the said Mary H. Halsted hereinbefore mentioned.

Personal
property.

§ 3. Nothing in this act contained shall affect or impair the rights or interests of any heir-at-law, devisee, grantee, judgment creditor or mortgagee of or in any of the premises and property hereinbefore referred to.

Rights not
affected.

§ 4. This act shall take effect immediately.

Chap. 442.

AN ACT relative to the dissolution of corporations.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supreme
Court may
dissolve
corpora-
tions.

SECTION 1. Whenever the trustees of a corporation, now existing or which may hereafter be formed, created under or pursuant to the general statutes of this State authorizing the formation of corporations for manufacturing, mining, mechanical or chemical purposes, shall consist of an even number of persons, and they shall be equally divided as to the management of the affairs of said corporation, and the whole stock of such corporation, at the time of such disagreement, shall be owned by the persons being the trustees, or so divided that one-half thereof be owned or controlled by persons favoring the course of half the number of trustees, and the other half thereof by persons favoring the course of the other half of the number of trustees, the Supreme Court is hereby authorized, in its discretion, upon the application of the trustees, or any or either of them, either upon petition or by action, to dissolve said corporation, and to take charge of and wind up its affairs, and for that purpose to appoint one or more receivers thereof, with the usual powers and authority of receivers appointed upon the voluntary dissolution of corporations; and, after paying the expenses of such receivership and the debts and liabilities of the corporation, the residue of the assets of said corporation shall be distributed among the stockholders in proportion to their several interests therein.

§ 2. This act shall take effect immediately.

Chap. 443.

AN ACT supplemental to the act entitled "An act to revise the charter of the city of Syracuse," passed March third, eighteen hundred and fifty-seven, and the acts amendatory thereto.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Annual
tax levy.

SECTION 1. The common council of the city of Syracuse shall have authority, and are hereby empowered, to raise by tax upon the property of said city in each year, as follows:

To defray the ordinary and contingent expenses of said city, and for highways, sewers and bridges, a sum not exceeding one hundred and twenty-five thousand dollars.

For principal and interest on the bonded indebtedness of said city, the actual sum falling due within the ensuing year.

For the purposes and uses of the board of education, a sum not less than twice nor more than five times the amount received during the current year from the State for school purposes.

For the expenses of the fire department, including salaries, a sum not exceeding thirty-five thousand dollars.

For the expenses of gas and lighting the streets, a sum not exceeding thirty-five thousand dollars.

For water dues, twenty-two thousand five hundred dollars, or such sum as may be awarded by commissioners duly appointed for the purpose.

For interest on temporary loans, a sum not exceeding ten thousand dollars.

For damages and costs in law suits, a sum not exceeding five thousand dollars.

The aggregate of the annual city tax levy shall not exceed the sum of four hundred and twenty-five thousand dollars, for all purposes, excepting in the year eighteen hundred and seventy-six, the cost of the city's share of new paving in North and South Salina streets shall be levied and collected in addition to the general tax.

§ 2. All moneys collected, by general tax or otherwise, for the expenses of the city government, or for any specific object or purpose whatever, shall be applied to the payment of such expenses, or for such object or purposes, and to no other. It shall not be lawful to apply any money collected or appropriated for one purpose to any other purpose, and the common council is forbidden to make any direction or order to subordinates to make such misappropriation of moneys. The mayor approving of, or any alderman voting in favor of, a resolution, which shall be adopted, making any such illegal appropriation of money, or any elected or appointed officer directing any such illegal act to be done under such resolution, shall be deemed guilty of a misdemeanor, and shall be liable, upon conviction thereof, to a fine of one hundred dollars, or he may be subject to not more than ten days' imprisonment in the county jail, for each and every offense. No demand, claim or indebtedness of any character or description, for any purpose whatever, not payable from the proceeds of bonds or stocks, for debts made and due before the passage of this act, shall hereafter form or be a charge or obligation of, upon or against the said city, if the same be in excess of the amount of the annual appropriations made therefor; and no judgment or verdict of a jury shall be hereafter obtained against the said city for any sum when no such annual appropriation shall have been made therefor, or when a liability is claimed to have been incurred in excess of the amount appropriated for the purpose, except upon affirmative proof on the part of the plaintiff in any suit that, at the time the alleged claim or indebtedness was incurred, there was an amount of such appropriation remaining unexpended sufficient to pay the same. Each member of the common council of said city who shall vote to create any indebtedness or incur any liability beyond what is provided for in this section, or in violation thereof, shall become personally liable for the same to the person in whose favor said indebtedness shall have been authorized and made.

Applica-
tion of
moneys.

Misappro-
priation.

Claims
against
city.

Members
of com-
mon
council
personally
liable.

§ 3. In making up the general tax levy, each year, said common council shall ascertain the amount of indebtedness not paid in the preceding fiscal year, arising from unpaid taxes, judgments and costs, and other arrears from whatever source or cause, and include this amount in the tax levy for the current year, to be levied and collected with the general tax provided for in section one of this act, but the aggregate of the annual tax levy shall not exceed four hundred thousand dollars. Said amount when collected to be used in the payment of the debts making up the arrearages.

Making
up tax
levy.

§ 4. On the nomination of the mayor, said common council may appoint a city attorney, to prosecute and defend all actions by and

City attor-
ney.

against said city, and to perform such other professional services relating to the affairs of said city as the mayor shall direct. His compensation shall be one thousand dollars a year, together with the taxable costs in suits in which the city shall prevail, and in no other. No action shall be commenced by the city attorney unless directed by the mayor.

Salaries of assessors.

§ 5. The salaries of the city assessors shall be not to exceed twelve hundred dollars a year each, subject to the approval of the board of audit of said city, for all services in making and completing the general and local assessments, and in the hearing and decision of appeals.

Powers of police commissioners.

§ 6. The police commissioners of said city shall have power, in the examination of members of the police force, on charges, to issue subpoenas requiring the attendance of witnesses and the production of books and papers, and to administer oaths and take testimony in such cases; and in case of proven inefficiency and incompetency, or of wanton neglect of duty, said commissioners shall have the power of removing any derelict policeman from office.

Salaries and fees.

§ 7. The salaries fixed by the common council for the several city officers shall be in full compensation for all services which said officers shall respectively perform for said city in any and all capacities. All fees and perquisites received by such officers shall be paid into the city treasury, for the benefit of the general fund.

Police justice's clerk.

§ 8. The police justice of said city shall have power to appoint a clerk, who shall receive a salary of sixty dollars a month. Said clerk shall keep a faithful record of all the business transacted and pertaining to the office of the police justice, which shall always be open to public inspection; and he shall prepare and present such record, and all accounts, receipts and disbursements of said office, annually, to the city board of auditors, for auditing, except such portions of the same as are county charges, and these he shall present to the board of supervisors of Onondaga county, at their annual meeting, for auditing, said statements to be made under oath, and to be certified as correct by said police justice.

Duties.

When overseers of poor may administer oaths.

§ 9. The overseers of the poor, and the assistant overseer of the poor, of said city shall each have power to administer oaths and take affidavits in all matters pertaining to the duties of their office, and to elicit statements of facts from applicants for relief, and any willful false swearing in any affidavit so taken by either of them, or statement made before either of them, under oath, shall be perjury, and be punished accordingly. The salary of the assistant overseer of the poor shall be, not to exceed, one thousand dollars per annum, subject to the approval of the board of audit of said city, and shall apply to services already rendered.

Salary of assistant.

§ 10. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 11. This act shall take effect immediately.

Chap. 444.

AN ACT to establish a State Board of Audit, and to define its powers and duties.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. A State Board of Audit is hereby constituted and established which shall be composed of the Comptroller, the Secretary of State and the State Treasurer.

§ 2. It shall be the duty of said Board of Audit, and it shall have Powers. power to hear all private claims and accounts against the State (except such as are now heard by the Canal Appraisers according to law), to administer oaths and take testimony in relation thereto, to determine on the justice and amount thereof, and to allow such sums as it shall consider should equitably be paid by the State to the claimants. Its decisions shall be filed in the office of the Secretary of State. It shall Attorney-General to attend hearings. be the duty of the Attorney General to attend every hearing before said Board of Audit, for the purpose of protecting the interests of the State, and he shall have authority to subpoena and examine witnesses on behalf of the State in reference to such claims or accounts.

§ 3. Said Board shall establish rules as to the times of its sessions, Sessions. which shall be at least as often as once in each month, and as to the forms and methods of procedure before it. Two members said Board Quorum. shall constitute a quorum. The concurrent vote of two of its members shall be necessary to, and shall constitute a decision.

§ 4. The Secretary of State at the opening of each session of the Legislature, and at other times when so requested by the Legislature, shall send a report thereto, containing a full list of all claims and accounts acted upon by said board, with the evidence taken and their action on each thereof, since the last preceding report. Report to Legislature.

§ 5. This act shall take effect immediately.

Chap. 445.

AN ACT in relation to that portion of the great western turnpike road, commonly known as Western avenue, lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting the said road west of Allen street, in said city, on the west.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The president, directors and first company of the great western turnpike road, are hereby authorized to convey to the board of commissioners of the Washington park of the city of Albany all that portion of their said turnpike road lying between Snipe street, in the city of Albany, on the east, and the west line of the proposed new boulevard, intersecting said road west of Allen street, in said city, on Portion of great western turnpike conveyed to commissioners of Washington park.

the west, such conveyance to be without prejudice to any rights or franchises of said company, except such as may be expressly thus conveyed. And the said board of commissioners is hereby authorized and required to accept such conveyance, and to improve the said portion of said road when conveyed, as an approach to said Washington park; but nothing herein contained shall be construed as authorizing the said commissioners to close the said portion of the said road, or to exclude the public from the use thereof as a highway.

Manner of
improvement.

§ 2. In case the said conveyance shall be made as in the foregoing section provided, then the said board of commissioners may establish a grade, and grade the said portion of said road, and improve and ornament the same, and lay and construct a pavement, sidewalks, curbs and sewers upon the same, in such manner and with such materials as the owners of at least one-half the land fronting on said portion of said road, measuring by lineal feet, have heretofore consented to, or may hereafter consent to, in writing; provided, however, that the manner of such improvement, and the kind of materials to be used, shall also be approved by the said board of park commissioners, and without such approval the park commissioners shall not be required to go on with any work on said road. In case such approval is given, then the expense of such improvements shall be provided for and paid in the manner following, that is to say: bonds of the city of Albany, not to exceed the sum of one hundred and eighty-five thousand dollars, shall be issued upon the requisition of the park commissioners; such requisition shall be made in writing, signed by the president of the board upon the mayor, and shall state the amount for which the bonds are required, and the purposes for which they are to be issued. Upon receiving such requisition the mayor shall forthwith cause such bonds to be prepared, which shall be signed by him, and countersigned by the chamberlain and the clerk of the common council. They shall be styled the city of Albany, Western avenue improvement bonds. The bonds shall be divided into three equal amounts, and payable, respectively, in six, seven and eight years from their date. They shall bear interest at the rate of six per centum, payable semi-annually at some bank in the city of New York or Albany. The said bonds shall be sold by the chamberlain of said city, at public auction, at not less than par, and the avails thereof shall be delivered by the chamberlain to the treasurer of said park commissioners, to be used for the purpose of paying the cost and expense of said grading, paving and sidewalks. The payment of the interest thereon shall be provided for by being included in the annual tax budget of the city, sent to the board of supervisors. The payment of the principal as it falls due, shall be made out of the fund that shall arise from the payment by the owners of the land, fronting on the above named portion of said road or avenue, of the amount of their assessments as hereinafter provided; but if from any cause such fund shall be insufficient, or shall not have been collected, then the city shall provide for the punctual payment of such bonds, by a loan which the common council is hereby authorized to make, and such portion of such loan shall be placed in the annual tax budget, as to the finance committee of the common council shall seem proper, until all of such loan shall be paid; but the whole thereof shall be paid in not to exceed five years; and if at the end of that time any portion remains unpaid, it shall be included in the annual tax budget for that year.

Payments
therefor.

Appor-
tionment
of cost.

§ 3. The apportionment and assessments for the cost and expense of said pavement, sidewalks, curbs and sewers, are to be made (not including therein the expense of grading, sodding, planting trees or other

ornamentation) upon the owners of land fronting on that portion of said road to be improved in the manner aforesaid, the assessment upon each owner to bear the same proportion to the whole of such cost and expense that the number of lineal feet front of each owner bears to the whole number of lineal feet fronting on said improved portion of said road. In making such apportionment and assessment, owners of land lying opposite to said improved portion of said road, and separated therefrom only by an intersecting and adjacent street, whether such street be actually opened and used or not, shall be assessed as if such land fronted directly on said improved portion of said road. The portion of said work on cross streets shall be pro rated in the manner usual in the city of Albany. Such assessment on each owner to be payable, one-third in five years, one third in six years, and one-third in seven years from the date of the confirmation of such assessment; but any owner so assessed may, at any time after such confirmation, pay the amount thereof to the city chamberlain, and on such payment shall be allowed a rebate in the amount of his assessment, at the rate of five per cent per annum from the time of payment to the times when said assessment would become due.

§ 4. Such assessment shall be made by the board of contract and apportionment of the city of Albany, under the rule of assessment as prescribed in this act, and by the same proceedings, so far as may be consistent with this act, as are provided for in and by title eight of an act passed March sixteenth, eighteen hundred and seventy, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany," passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof, and also to repeal the act to establish a capital police district, and to provide for the government thereof, passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, in so far as they relate to the city of Albany," and the amendments thereto; and such assessments shall be controlled and their collection enforced in the same manner provided for in said title of said act, and with the same right of redemption of land sold as is therein provided for, and such assessment, when confirmed, shall be a lien on the lands assessed until the same shall be paid, but the said assessment shall not bear interest until the first installment of the same shall be due, and each installment thereof shall be paid with interest from the time when it shall become due.

By whom made.

Collection.

§ 5. The moneys arising from the payment of the assessments, either before they become payable or at the times thereof, may be invested by the chamberlain under the direction of the trustees of the sinking fund whenever, in their judgment, they may deem it proper, and such moneys shall only be used for the purpose of paying the bonds of the city herein provided for as they shall become due, or any loan that may have been effected for such purpose, or to reimburse the city the amount of any tax that may have been levied and collected for the purpose of paying any portion of the principal of such bonds, or of the loan made for the same object.

Application of collections.

§ 6. The portion of said road when conveyed to said park commissioners and improved by them as above provided shall be deemed an approach to the park, and shall be maintained and kept in repair by said commissioners, and shall be under the control and charge of said commissioners, subject to the limitation contained in the first section of this act; and it shall not be lawful for any owner of property fronting on said avenue to encroach upon the same by building any

Road to be in charge of park commissioners.

Encroach-
ments for-
bidden.

stoop, portico or other structure which shall project over the line of said avenue, or to encumber any portion of said avenue so improved, with materials for building or other structures; and it shall be the duty of said commissioners, and they are hereby given the necessary power, to enforce the provisions of this act relating to encroachments or obstructions.

Bounda-
ries of
road.

§ 7. The boundaries of said portion of said road shall be ascertained and fixed by the city surveyor of the city of Albany, and all fences and structures encroaching on said boundaries shall be removed so as to conform thereto.

§ 8. This act shall take effect immediately.

Chap. 446.

AN ACT to amend chapter four hundred and thirty of the laws of eighteen hundred and seventy-four, entitled "An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases."

Passed June 2, 1876.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of chapter four hundred and thirty of laws of eighteen hundred and seventy-four, entitled "An act to facilitate the reorganization of railroads sold under mortgage, and providing for the formation of new companies in such cases," is hereby amended so as to read as follows:

Purchas-
ers a body
corporate.

§ 1. In case the railroad and property connected therewith, and the rights, privileges and franchises of any corporation, except a street railroad company, created under the general railroad law of this State, or existing under any special or general act or acts of the Legislature thereof, shall be sold under or pursuant to the judgment or decree of any or court of competent jurisdiction made or given to execute the provisions enforce the lien of any deed or deeds of trust, or mortgage theretofore executed by any such company, the purchasers of such railroad property and franchises, and such persons as they may associate with themselves, their grantees or assignees or a majority of them, may become a body politic and corporate, and as such may take, hold and possess the title and property included in said sale, and shall have all the franchises, rights, powers, privileges and immunities which were possessed before such sale by the corporation whose property shall have been sold as aforesaid, by and upon filing in the office of the Secretary of State, a certificate, duly executed under their hands and seals, and acknowledged before an officer authorized to take the acknowledgment of deeds, in which certificate the said persons shall describe by name and reference to the act or acts of the Legislature of this State under which it was organized, the corporation whose property and franchises they shall have acquired as aforesaid, and also the court by authority of which such sale shall have been made, giving the date of the judgment or decree thereof, authorizing or directing the same, together with a brief description of the property sold, and shall also set forth the following particulars:

Certifi-
cate

Its con-
tents.

1. The name of the new corporation intended to be formed by the filing of such certificate. Name of new corporation.

2. The maximum amount of its capital stock and the number of shares into which the same is to be divided, specifying how much of the same shall be common, and how much preferred stock, and the classes thereof, and the rights pertaining to each class. Capital stock.

3. The number of directors by whom the affairs of the said new corporation are to be managed, and the names and residences of the persons selected to act as directors for the first year after its organization. Directors.

4. Any plan or agreement which may have been entered into pursuant to the second section hereof.

And upon the due execution of such certificate, and the filing of the same in the office of the Secretary of State, the persons executing such certificate, and who shall have acquired the title to the property and franchises sold as aforesaid, their associates, successors and assigns, shall become and be a body politic and corporate, by the name specified in such certificate, and shall become and be vested with, and entitled to exercise and enjoy, all the rights, privileges and franchises, which at the time of such sale belonged to, or were vested in the corporation, which last owned the property so sold, or its receiver, and shall be subject to all the provisions, duties and liabilities imposed by the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and of the acts amendatory thereof, except so far as said provisions, duties and liabilities may be inconsistent herewith, and with the last named rights, privileges or franchises; and a copy of the said certificate, certified by the Secretary of State or his deputy, shall be presumptive evidence of the due formation of the new corporation therein mentioned, provided always that a majority of said persons shall be citizens and residents of this State. In the certificate so to be filed shall be inserted the whole of the plan or agreement in the next section referred to. And such plan, agreement and articles may regulate voting by, and on the part of the holders of the preferred and common stock of said company, and may also allow, provide for and regulate voting at and in said meetings, and also for directors, by and on the part of the holders and owners of any or all of the bonds of the company foreclosed, or of the bonds, issued or to be issued, and payable by the new company, pursuant to any such plan, agreement or articles; such right of voting by bondholders to be in such manner, for such period or periods, and upon such conditions as said articles may authorize and declare; but such articles shall contain suitable provisions for such bondholders voting by proxy. Said articles shall not be inconsistent with the Constitution or laws of this State, and shall be binding upon the company until changed as therein provided for, or until otherwise provided by law. Effect of certificate.

Copy of certificate evidence.

Proviso.

Certificate to contain whole plan.

§ 2. The second section of the said act is hereby amended so as to read as follows:

§ 2. In case the persons organizing or whose duty it may be to organize the new corporation to be formed as provided in the first section of this act, shall have acquired title to the railroad property and franchises which may have been sold as in said section mentioned, pursuant to any plan or agreement for or in anticipation of the readjustment of the respective interests therein of the mortgage creditors and stockholders of the company owning, or which last owned, such property and New corporation to issue bonds and stock.

Adjust-
ment of
claim
against
former
company.

Prefer-
ence in
dividends.

Proviso.

Court may
direct sale
of prop-
erty.

Receiver.

Proceed-
ings
against
receiver.

franchises at the time of any such sale, and for the representation of such interests of creditors and stockholders in the bonds or stock of the new corporation to be formed, as provided for in said section, the said new corporation shall be authorized and shall have the power to issue its bonds and stock in conformity with the provisions of such plan or agreement; and the said new corporation may, at any time within six months after its organization, compromise settle or assume the payment of any debt, claim or liability of the former company, upon such terms as may be lawfully approved by a majority of the agents or trustees intrusted with the carrying out of the plan or agreement of reorganization aforesaid; and for the purposes of such plans and of such settlements, the said new corporation may and shall be authorized to establish preferences in respect to the payment of dividends in favor of any portion of its said capital stock, and to divide its said stock into classes; provided, nevertheless, that nothing herein contained shall be held to authorize the issue of capital stock by the said new company to an aggregate amount, exceeding the maximum amount of such stock mentioned in the certificate of incorporation.

1. And it shall be lawful for the Supreme Court to direct a sale of the whole of the property, rights and franchises covered by the mortgage or mortgages, or deeds of trust foreclosed at any one time and place to be named in the judgment or order, either in the case of the non-payment of interest only, or of both the principal and interest due and unpaid and secured by any mortgage or mortgages or deeds aforesaid.

2. Neither the said sale nor the formation of such corporation shall interfere with the authority or possession of any receiver of the property and franchises aforesaid, but he shall remain liable to be removed or discharged at such time as the court may deem proper.

3. No suit or proceeding shall be commenced against said receiver (unless founded on willful misconduct or fraud in his trust), except such as shall be commenced before the expiration of sixty days from the time of the discharge of such receiver; but it is further provided, that after the expiration of said sixty days, the corporation that shall own or operate said railroad, shall be liable in any action that may be commenced against such company, and founded on any act or omission of such receiver (for which he may not as aforesaid be sued), and to the same extent as said receiver, but for this act, would be or remain liable, or to the same extent that such corporation would be, had it done or omitted the acts complained of against such receiver.

§ 3. This act shall take effect immediately.

Chap. 447.

AN ACT in relation to Riverside avenue and park, in the city of New York.

Passed June 2, 1876; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptrol-
ler to pay
for im-
prove-
ments.

SECTION 1. The comptroller of the city of New York is hereby authorized and directed to pay for any work, services or material furnished, or to be furnished, under any contract or contracts for improv-

ing the avenue known as Riverside avenue, in the city of New York, as laid out under the second section of chapter eight hundred and fifty of the laws of eighteen hundred and seventy-three, and shown upon a map thereof, filed under the provisions of said section, on the twenty-third day of February, in the year one thousand eight hundred and seventy-five, by the construction of the roadways, curb and gutter and sidewalks which have been or may be adopted by the department of parks; and in order to enable the said comptroller to make such payments he is hereby authorized, empowered and directed to borrow, from time to time, in the name of the mayor, aldermen and commonalty of the city of New York, by the issue of bonds bearing such rate of interest as he may deem proper, not exceeding seven per cent. per annum, such sums as shall be necessary to pay all expenses incurred or to be incurred as aforesaid; the expenses of such work shall be assessed by the board of assessors of said city on the property benefited, and the money collected by such assessment is hereby pledged for the redemption of the bonds so to be issued.

To borrow
money
for.

Assess-
ment for.

§ 2. The whole of the land embraced within the boundaries of Riverside avenue is hereby declared to be one of the parks and public places in the city of New York, and shall be under the control and management of the department of parks of said city, subject to the provisions of the first section of this act, in respect to the roadways, curb and gutter and sidewalks therein mentioned.

Bounda-
ries.

Control.

§ 3. This act shall take effect immediately.

CONCURRENT RESOLUTIONS
OF THE
SENATE AND ASSEMBLY.

CONCURRENT RESOLUTION proposing an amendment
to section three of article five of the Constitution.

WHEREAS, At the annual session of the Legislature for the year eighteen hundred and seventy-five, a proposed amendment of the Constitution was agreed to by the Senate and Assembly, viz.:

Resolved (if the Assembly concur), That section three of article five of the Constitution be amended so as to read as follows:

§ 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause

of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the Department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The office of Canal Commissioner is abolished from and after the appointment and qualification of the Superintendent of Public Works, until which time the Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate; and,

WHEREAS, Said proposed amendment was agreed to by a majority of all the members elected to each of the two houses of the said Legislature, entered in their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next election of Senators; and,

WHEREAS, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution; therefore,

Resolved (if the Assembly concur), That the two houses composing the present Legislature do agree to the said proposed amendment.

STATE OF NEW YORK, }
In Senate, February 1, 1876. }

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, February 4, 1876. }

The foregoing resolution was duly passed, a majority of all the members elected to the Assembly voting in favor thereof.

By order of the Assembly.

EDW'D M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION relative to the granting of subsidies by Congress, in aid of the Texas Pacific Railroad, and other internal improvements.

WHEREAS, It appears that applications for the aid of the National Government, in the form of money, credit, bonds, or endorsements of the bonds of private corporations, are now pending in the Congress of the United States to an amount exceeding six hundred millions of dollars, for the purpose of promoting schemes of canals, railroads or other internal improvements, the value and utility of which are at least doubtful, and which are not demanded for present commercial, military or national reasons; and,

WHEREAS, It also appears that important committees of the said Congress are now seriously considering the propriety of recommending the appropriate legislation, whereby the United States will be committed to a guaranty, or endorsement of the interest payments upon the bonds or promissory obligations of certain railroad corporations, amounting in the aggregate to about two hundred and fifty millions of dollars in gold, for the purpose of constructing a railroad line from North-Eastern Texas to the Pacific Ocean, near the thirty-second parallel of latitude, with numerous branches thereof, amounting to over three thousand miles, and that this encouragement given to this class of proposals tends constantly to swell the number and extent of such applications, and is giving rise to many schemes of like questionable character, which have failed to secure the approval of private capitalists, and which, by their combined influence and support, embarrass, retard and interfere with the proper subjects of legislation; be it

Resolved (if the Assembly concur), That it is unwise, impolitic and dangerous at this time of depressed trade and heavy financial burdens for Congress to embark the country upon such gigantic works, and thereby invite other and further demands for national assistance, to the detriment of the People and good government, and that our Senators and Representatives in Congress, be requested to use all proper influences to counteract and defeat such attempts; and that the Secretary of State be instructed to forward, without delay, a copy hereof, to each of them.

STATE OF NEW YORK, }
In Senate, February 15, 1876. }

The foregoing resolution was duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, February 16, 1876. }

The foregoing resolution was duly passed.

By order.

EDW'D M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION requesting the Senators and Representatives in Congress from this State to oppose the repeal of the resumption act of January fourteen, eighteen hundred and seventy-five.

WHEREAS, The commercial and industrial interests of the country require a settled, steady and uniform financial policy on the part of the Government; and,

WHEREAS, The public honor, credit and safety, as well as the restoration of commercial confidence and prosperity, demand that this policy, by gradual and prudent steps towards the resumption of specie payments, shall establish a sound and stable currency, based upon the world's standard of coin; and,

WHEREAS, The act of Congress, approved January fourteen, eighteen hundred and seventy-five, provides for and pledges the Government to a resumption of specie payments on the first of January, eighteen hundred and seventy-nine; therefore,

Resolved (if the Senate concur), That our Senators and Representatives in Congress be requested to oppose any repeal of the said resumption act of January fourteenth, eighteen hundred and seventy-five, and that they be also requested to favor such further legislation as may be needed to give full faith and force to the pledge contained in said act, and thereby to ensure the permanent restoration of specie payments.

STATE OF NEW YORK, }
In Assembly, March 1, 1876. }

The foregoing resolution was duly passed.

By order.

EDW'D M. JOHNSON,
Clerk.

STATE OF NEW YORK, }
In Senate, March 2, 1876. }

The foregoing resolution was duly passed.

By order of the Senate.

HENRY A. GLIDDEN,
Clerk.

WHEREAS, At the annual session of the Legislature for the year eighteen hundred and seventy-five, a proposed amendment to the Constitution was agreed to by concurrent vote of the Senate and Assembly, viz.:

CONCURRENT RESOLUTION proposing an amendment to section four of article five of the Constitution.

Resolved (if the Senate concur), That section four, article five of the Constitution, be amended so as to read as follows:

§ 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State Prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens,

physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerk of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abolished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense; and,

WHEREAS, The said proposed amendment was agreed to by a majority of all the members elected to each of the two houses of the said Legislature, entered in their respective journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators; and,

WHEREAS, Such general election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one, of article thirteen of the Constitution; therefore,

Resolved (if the Senate concur), That the said amendment be agreed to by the two houses comprising the present Legislature.

STATE OF NEW YORK, }
In Assembly, March 17, 1876. }

The foregoing resolutions were duly passed.

By order.

EDW'D M. JOHNSON,
Clerk.

STATE OF NEW YORK, }
In Senate, March 28, 1876. }

The foregoing resolutions were duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

CONCURRENT RESOLUTION in reference to the rates of tolls on the canals, to be established for the current year.

Resolved (if the Senate concur), That the Legislature do concur in the recommendation of the Canal Board, to the reduction of canal tolls to the extent named in their schedule, transmitted to the Assembly of this State by the Auditor of the Canal Department on the twentieth day of March last; and that the Legislature recommend and consent to a reduction of tolls on timber in the same ratio as on lumber.

STATE OF NEW YORK, }
In Assembly, April 11, 1876. }

The foregoing resolution was duly passed.

By order.

EDW'D M. JOHNSON,
Clerk.

STATE OF NEW YORK, }
In Senate, April 20, 1876. }

The foregoing resolution was duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

CONCURRENT RESOLUTION proposing an amendment to section eleven of article eight of the Constitution, prohibiting the loan or use of public money for private purposes, and restricting the indebtedness of counties, cities, towns and villages.

Resolved (if the Assembly concur), That section eleven of article eight of the Constitution be amended so as to read as follows:

§ 11. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor, as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed five per cent. of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist; shall be absolutely void, except as herein otherwise provided. No county or city, whose present indebtedness exceeds five per cent. of the assessed valuation of its real estate, subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit, except such indebtedness as may be provided for by the tax levy for the then current year, and except that the Legislature, if it is deemed necessary for the interest of said city or county, may authorize it to contract further indebtedness to an amount not exceeding for any one year one dollar per capita of each of its population as ascertained by the last State census, and for a period not exceeding five years in any case. No law shall hereafter be passed authorizing any indebtedness or the issuing of any bonds or evidence of debt by any county or city, unless such law shall provide that such indebtedness, bonds or evidence of debt, shall be made payable in equal amounts in each year, during a period not in any case to exceed twenty years from the contracting of such indebtedness; and such law shall provide that such city or county shall, in each year, levy and raise by taxation a sum sufficient to pay the interest on such debt and the amount thereof coming due in each year, which said provisions as to time of payment and the taxation therefor shall be irrepealable. The money raised for the payment of such interest and principal shall be applied for that purpose, and none other, until the whole of such indebtedness is paid.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that, in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }
In Senate, April 13, 1876. }

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, April 27, 1876. }

The foregoing resolution was duly passed, a majority of all the members elected to the Assembly voting in favor thereof.

By order.

EDW'D M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION requesting the Senators and Representatives in Congress from this State to use their influence to secure legislation for the protection of emigrants, and for the security of the cities, towns and counties of this State.

WHEREAS, The decision of the Supreme Court of the United States renders inoperative and void the laws of this State heretofore enacted for the protection of emigrants, and the prevention of their becoming a charge upon any city, town or county of this State, within five years from their landing at the port of New York, on the ground that such laws are in violation of the Constitution, and that the power to legislate on this subject is exclusively in the Federal Congress; and,

WHEREAS, The importance of the subject demands immediate attention; therefore,

Resolved (if the Senate concur), That our Senators and Representatives in Congress be requested to use their influence to secure, without delay, the legislation necessary and requisite, as well for the protection of the emigrants as for the security of the cities, towns and counties of this State.

STATE OF NEW YORK, }
In Assembly, April 21, 1876. }

The foregoing resolution was duly passed.

By order.

EDW'D M. JOHNSON,
Clerk.

STATE OF NEW YORK, }
In Senate, April 21, 1876. }

The foregoing resolution was duly passed.

By order.

HENRY A. GLIDDEN,
Clerk.

CONCURRENT RESOLUTION proposing an amendment
to the Constitution in relation to the schools.

Resolved (if the Assembly concur), That article nine of the Constitution be amended by the addition of the following sections:

§ 2. Free common schools shall be maintained throughout the State forever. The Legislature shall provide for the instruction in the branches of elementary education in such schools of all persons in the State between the ages of five and twenty-one years, for the period of at least twenty-eight weeks in each year.

§ 3. Neither the money, property or credit of the State, nor of any county, city, town, village or school district, shall be given, loaned or leased, or be otherwise applied, to the support or in aid of any school or instruction under the control or in charge of any church, sect, denomination or religious society; nor to or in aid of any school in which instruction is given peculiar to any church, creed, sect or denomination, or to or in aid of any such instruction; nor to or in aid of any school or instruction not wholly under the control and supervision and in charge of the public school authorities.

This section shall not prohibit the Legislature from making such provision for the education of the blind, the deaf and dumb, and juvenile delinquents as it may deem proper, except in institutions in which instruction is given peculiar to any church, creed, sect, denomination or religious society; nor shall it apply to or affect the Cornell University endowment fund, hitherto pledged and appropriated.

Resolved (if the Assembly concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity with section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }
In Senate, May 3, 1876. }

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order.

HENRY A. GLIDDEN,
Clerk.

STATE OF NEW YORK, }
In Assembly, May 3, 1876. }

The foregoing resolution was duly passed, a majority of all the members elected to the Assembly voting in favor thereof.

By order.

EDW'D M. JOHNSON,
Clerk.

NAMES CHANGED

UNDER AND PURSUANT TO CHAPTER EIGHTY OF THE
LAWS OF EIGHTEEN HUNDRED AND SIXTY, AMENDA-
TORY OF CHAPTER FOUR HUNDRED AND SIXTY-FOUR,
LAWS OF EIGHTEEN HUNDRED AND FORTY-SEVEN.

At a special term of the Supreme Court, held at the chambers of the Erie county judge, in the city of Buffalo, on the 9th day of November, 1875.

Present—Hon. JNO. S. TALCOTT, *Judge.* "

In the matter of the petition of the Western New York Poultry Society for an order to authorize it to assume another corporate name.

On reading and filing the petition of the above named The Western New York Poultry Society for an order to authorize it to assume another corporate name, to wit: The Buffalo International Poultry Association, together with due proof of publication of notice of this application, once in each week for six weeks, in the Buffalo Daily Courier and in the Albany Evening Journal, that being the State paper, and the court being satisfied that there is no reasonable objection to said corporation changing its name as aforesaid:

It is, on motion of P. A. Matteson, its attorney, ordered that the name of the said corporation be changed from that of 'The Western New York Poultry Society, to that of The Buffalo International Poultry Association; that such change take effect on and from the 16th day of December, 1875, and that on and from that day the said The Western New York Poultry Society use and be known by the name of The Buffalo International Poultry Association.

It is further ordered, that a copy of this order be published once in each week for four weeks in the Buffalo Daily Courier.

"Copy."

O. F. BARTON,
Sp. Dep. Clerk.

Indorsed: "Filed Nov. 15th, 1875."

GEORGE FRANKLIN,
Dep. Secretary of State.

At a special term of the Supreme Court of the State of New York, held at the City Hall, in the city of Albany, on the twenty-eighth day of December, 1875.

Present—Hon. A. MELVIN OSBORN, *Justice.*

In the matter of the petition of the Juvenile Retreat of the city of Albany, for an order authorizing it to change its corporate name.

On reading and filing the petition of the Juvenile Retreat, of the

city of Albany, making application in pursuance of the statute in such case made and provided, for an order authorizing it to change its corporate name, and assume the name of "The Orphans' Home of St. Peter's Church, in the city of Albany," and on motion of Mr. Meads in behalf of the said petitioners, it is ordered that the said Juvenile Retreat, of the city of Albany, be and is hereby authorized to change its said corporate name, and, instead thereof, to assume and be known by the corporate name of "The Orphans' Home of St. Peter's Church, in the city of Albany."

And it is further order * that a copy of this order be published once a week for four weeks in the Albany Evening Journal, that being the State paper, and a newspaper published in the city of Albany, and hereby designated for such publication; and that the said change of name take effect on the first day of February next, provided the said publication of this order shall then have been made, and a copy thereof shall have been filed in the office of the Secretary of State and of the clerk of the county of Albany, as required by the statute, or as soon thereafter as the same shall have been so published and filed.

[Copy.]

WM. E. HASWELL,
Clerk.

Indorsed: "Filed Dec. 28, 1875."

GEORGE FRANKLIN,
Dep. Secretary of State.

STATE OF NEW YORK, }
City and County of New York. }

Pursuant to the requirements of the act of the Legislature of the State of New York, passed December 14th, 1847, and the act amendatory thereof, passed March 17, 1860, I, Nath'l Jarvis, Jr., Clerk of the Court of Common Pleas for the city and county of New York, do report that the names of the following persons have been changed during the year 1875, viz.:

Mary Brooks Langdon to Mary Brooks Pitts.

Order entered 1875, January 18, as of February 17, 1872.

To take effect March 20, 1872.

Harry Plume Langdon to Harry Plume Pitts.

Order entered 1875, January 18, as of February 17, 1872.

To take effect March 20, 1872.

Daniel Murphy to Daniel Murphy Knight.

Order entered January 29, 1875.

To take effect March 1, 1875.

John William Newson to John William Nelson.

Maria Louisa Newson to Maria Louisa Nelson.

Anna Prengle Newson to Anna Prengle Nelson.

William Miles Newson to William Miles Nelson.

Jesse Samuel Newson to Jesse Samuel Nelson.

Caroline Eloise Newson to Caroline Eloise Nelson.

Order entered 1875, February 6.

To take effect 1875, March 10.

*So in the original.

Samuel Phillip Mendel to Samuel Mendel Phillips.

Julia Seckelman Mendel to Julia Mendel Phillips.

Jennie Mendel to Jennie Mendel Phillips.

Sarah Mendel to Sarah Mendel Phillips.

Order entered February 8th, 1875.

To take effect March 1st, 1875.

David Seligman to De Witt James Seligman.

Order entered April 15th, 1875.

To take effect May 15th, 1875.

Annie Therese Isaacson to Annie Therese Jones.

Order entered April 20, 1875.

To take effect May 20, 1875.

J. Stephen Stone to Burritt Stephen Stone.

Order entered April 26, 1875.

To take effect May 25, 1875.

Eliza Emma Haire to Louisa Haire Post.

Order entered May 3, 1875.

To take effect June 1, 1875.

George Thomas to George Blum.

Order entered May 17, 1875.

To take effect June 16, 1875.

Lawrance A. Benson to George Gardener Grennell.

Order entered May 19, 1875.

To take effect June 19, 1875.

Thomas Patrick to Thomas Adams.

Order entered May 20, 1875.

To take effect June 20, 1875.

William Thomas Dunton to William Bradley.

Order entered May 22, 1875.

To take effect May 30, 1875.

Joseph Willett Migneault La Point to Clarence Joseph La Point.

Order entered June 2, 1875.

To take effect July 2, 1875.

Benjamin Hicks Cock to Benjamin Embree Hicks.

Order entered June 23, 1875.

To take effect July 25, 1875.

Casper Florschütz to Casper Florence.

Mary Ann Florschütz to Mary Ann Florence.

Charles August Florschütz to Charles August Florence.

Anna Caroline Florschütz to Anna Caroline Florence.

Mary Louisa Florschütz to Mary Louisa Florence.

Order entered August 2, 1875.

To take effect September 4, 1875.

Elizabeth B. Seelye to Elizabeth B. Knox.

Order entered October 27, 1875.

To take effect November 30, 1875.

[L. s.] In attestation whereof I have hereto subscribed my
name and affixed the seal of the court, this 31st
December, 1875.

NATH'L JARVIS, JR.,
Clerk.

The names of the following religious corporations have been changed during the year, pursuant to the act of the Legislature passed June 4, 1853:

The Presbyterian Church in the Fifth avenue, at the corner of Nineteenth street, to The Fifth Avenue Presbyterian Church.

Order entered February 24, 1875.

To take effect April 1, 1875.

The Third Congregational Unitarian Church to Independent Liberal Church.

Order entered September 23, 1875.

To take effect October 23, 1875.

[L. s.] In attestation whereof I have hereto subscribed my name and affixed the seal of the said court, December 31, 1875.

NATH'L JARVIS, JR.,
Clerk.

Indorsed: "Filed December 31, 1875, at 5 o'clock P. M."

DIEDRICH WILLERS, JR.,
Secretary of State.

STATE OF NEW YORK, }
County of Kings, } ss.

Pursuant to the statute in such case made and provided, I, George G. Herman, Clerk of the County of Kings, do hereby certify that the following changes of names were made by the courts of this county during the year one thousand eight hundred and seventy-five, viz.:

Eddie Allen to Eddie Reynolds.

To take effect on and after Mch 15, 1875.

First Christian Church of Greenpoint to The Christian Church of the Evangel.

To take effect on and after Apl 22, 1875.

Edward Epenetus Wheeler to Edward Wheeler Carr.

To take effect on and after May 8, 1875.

The Brooklyn Homœopathic Lying-In Asylum to the Brooklyn Maternity.

To take effect on and after June 21, 1875.

Jacob Fuchs to Jacob Fuhs.

To take effect on and after October 18, 1875.

Arthur Stevens to Arthur Stevens Blakeslee.

Sarah Guild Stevens to Sarah Guild Blakeslee.

To take effect on and after Nov. 1, 1875.

Albert Schmitt to Albert Smith.

To take effect on and after Nov. 5, 1875.

Joseph Hassell Isaacs to John Joseph Hassell.

To take effect on and after Nov. 25, 1875.

Mortimer O. Hawley to Amos Peck Hawley.

To take effect on and after Dec. 20, 1875.

NAMES CHANGED.

Ella Rowland to Ella Moore.

To take effect on and after Jan. 26, 1875.

[L. S.]

In testimony whereof I have hereunto set my hand and affixed the seal of said county this thirty-first day of December, one thousand eight hundred and seventy-five.

GEORGE G. HERMAN,
Clerk of Kings County.

Indorsed: "Filed January 6, 1876."

JOHN BIGELOW,
Secretary of State.

STATE OF NEW YORK, }
Orange County Clerk's Office, } ss.

Pursuant to the statute, in such case made and provided, I, William E. Mapes, clerk of said county, do hereby certify that the following changes of names were made by the courts of this county during the year of one thousand eight hundred and seventy-five, viz.:

"The rector, churchwardens and vestrymen of the Church of the Holy Innocents, township of Cornwall, Orange county," to "The Church of the Holy Innocents, Highland Falls, Orange county."

To take effect from and after November 10, 1874.

[L. S.]

In testimony whereof I have set my hand and affixed the seal of said county, Jan. 22, 1876.

W. E. MAPES,
Clerk.

Indorsed: "Filed January 25, 1876."

EDGAR K. APGAR,
Deputy Secretary of State.

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